imperial Government of ours and exercising its powers without restraint.

There is nothing unconstitutional about it. There is nothing any more wrong about it or irregular about it than there was in the annexation of Louisiana after the treaty of Mr. Jefferson, when it became necessary to extend the laws over that Territory; but instead of extending the laws of the United States over it we retained the laws that were in force there, whether they were of French origin or of Spanish origin. All the laws in force were retained, and the courts were compelled to administer them and did administer them until the Congress of the United States furnished to Louisiana a Territorial form of government, after several years.

Now, there we are, and that is the situation of Hawaii to-day. Therefore the question arises, Mr. President, and arises naturally and properly, not whether we shall create a government in Hawaii anew entirely, starting it from the ground, but how much of the powers of the republic ought we to take away in order to conform Hawaii to the institutions and the Constitution and the laws of the United States and the opinions of the American people. That is the question which is presented, and in the presentation of that question I wish to state just this: We thought it was proper to retain the courts that were in Hawaii and give them local jurisdiction, cutting away from them all jurisdiction of a foreign character or admiralty character, and everything of that kind, but giving them control of local affairs within the jurisdiction of the district, circuit, and supreme courts. Then a part of the bill is to establish within those islands for the first time a district court of the United States proper. That is the proposition before the Senate at this moment of time.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 22, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 21, 1900.

APPOINTMENTS BY BREVET IN THE VOLUNTEER ARMY.

To be major-general by brevet.

Brig. Gen. Harrison Gray Otis, United States Volunteers (since honorably mustered out of service), for meritorious conduct at the battle of Caloocan, Philippine Islands, March 25, 1899.

To be brigadier-generals by brevet.

Col. Owen Summers, Second Oregon Volunteer Infantry (since honorably mustered out of service), for conspicuous gallantry at Maasin Bulac Bridge, San Isidro, Philippine Islands, May 17, 1899.

Col. Harry C. Kessler, First Montana Volunteer Infantry (since honorably mustered out of service), for distinguished service in action at Malolos, Philippine Islands, March 31, 1899.

Col. Wilder S. Metcalf, Twentieth Kansas Volunteer Infantry (since honorably mustered out of service), for gallant and meritorious service in action near Bocave, Luzon, Philippine Islands, March 29, 1899.

To be major by brevet.

Capt. James F. Case, Second Oregon Volunteer Infantry (now major, Fortieth Infantry, United States Volunteers), for distinguished services and gallantry at Maasin Bulac Bridge, San Isidro, Philippine Islands, while acting division engineer officer, May 17, 1899.

PROMOTIONS IN THE VOLUNTEER ARMY.

To be surgeon with the rank of major.

Capt. Luther B. Grandy, assistant surgeon, Thirty-fifth Infantry, United States Volunteers, February 14, 1900, vice Swift, vacated.

To be assistant surgeon with the rank of captain.

First Lieut. John A. Metzger, assistant surgeon, Thirty-fifth Infantry, United States Volunteers, February 14, 1900, vice Grandy, promoted.

APPOINTMENT IN THE VOLUNTEER ARMY.

To be assistant surgeon with the rank of first lieutenant.

John Carling, of New York, acting assistant surgeon, United States Army, February 16, 1900, vice Metzger, Thirty-fifth Infantry, United States Volunteers, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1900.

APPOINTMENTS IN THE NAVY.

Dr. Joseph A. Murphy, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, from the 3d day of January, 1900.

Dr. John T. Kennedy, a citizen of Connecticut, to be an assistant surgeon in the Navy, from the 15th day of January, 1900.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants.

William C. Harllee, of Florida.
Richard S. Hooker, of Nevada.
Hugh L. Matthews, of Tennessee.

PROMOTIONS IN THE NAVY.

Commander William C. Gibson, to be a captain in the Navy, from the 18th day of February, 1900.

Lieut. Commander Richard G. Davenport, to be a commander in the Navy, from the 18th day of February, 1900.

Medical Inspector John C. Wise, to be a medical director in the Navy, from the 7th day of February, 1900.

Surg. Ezra Z. Derr, to be a medical inspector in the Navy, from the 7th day of February, 1900.

Lieut. Horace M. Witzel, to be a lieutenant-commander in the Navy, from the 31st day of December, 1899.

Lieut. Reynold T. Hall, to be a lieutenant-commander in the Navy, from the 11th day of January, 1900.

Lieut. Albert G. Winterhalter, to be a lieutenant-commander in the Navy, from the 18th day of January, 1900.

P. A. Surg. Rand P. Crandall, to be a surgeon in the Navy, from the 24th day of September, 1899.

Passed Assistant Paymaster Richard Hatton, to be a paymaster in the Navy, from the 20th day of January, 1900.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 21, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

WOMAN COMMISSIONER AT PARIS EXPOSITION.

Mr. HITT. Mr. Speaker, I ask unanimous consent to be allowed to make a report from the Committee on Foreign Affairs, and ask for its present consideration.

The SPEAKER. The gentleman from Illinois [Mr. HITT] submits a report from the Committee on Foreign Affairs, and asks unanimous consent for the immediate consideration thereof. The Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette and the presentation of a tablet for said statue at Paris, France, in 1900, and at the exposition there to be held.

Mr. HITT. Mr. Speaker, the resolution involves no expense and has the general assent of gentlemen on both sides.

The SPEAKER. Is there objection to the present consideration of the Senate resolution?

There was no objection.

The resolution was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

HOURS OF DAILY SESSIONS FOR THIS WEEK.

Mr. PAYNE. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 8245, and pending that, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow, and that it meet at 11 o'clock a. m. during the remainder of this week.

Mr. RICHARDSON. Mr. Speaker, I want to say to the gentleman and to the House that the numerous demands made upon me for time show most conclusively that we can not accommodate anything like the number of gentlemen who are asking for time unless we have night sessions, and I want to couple with that request of the gentleman from New York the request that we have night sessions, beginning at 8 o'clock, not to run later than

half past 10, for debate only on this measure, commencing to-morrow night and running Thursday, Friday, and Saturday nights.

Mr. PAYNE. Suppose you say Thursday and Friday.

Mr. RICHARDSON. Well, I am willing to put it at that for the present, Thursday and Friday nights.

The SPEAKER. Will the gentleman from New York suspend for a moment while the gentleman from Massachusetts [Mr. KNOX] submits a request to the House?

Mr. PAYNE. Well, Mr. Speaker, this might be finished, so far as unanimous consent is concerned.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Puerto Rico bill——

Mr. TALBERT. I should like to ask the gentleman——

The SPEAKER. Will the gentleman suspend until the Chair states the question? And pending that, the gentleman from New York asks unanimous consent that after to-day, during the consideration of this bill, the sessions of the House begin at 11 o'clock, and that night sessions be held, for debate only, on Thursday and Friday nights——

Mr. PAYNE. From 8 o'clock until 11, the House taking a recess at 5 o'clock on each of those days——

The SPEAKER. From 8 o'clock until 11.

Mr. PAYNE. From 8 until 10.30.

Mr. TALBERT. Has the gentleman agreed upon a limit to the general debate yet?

Mr. PAYNE. No time has been agreed upon.

Mr. CANNON. Will the gentleman yield to me for a suggestion? This is an important bill and important debate. Why not continue its consideration, rather than have night sessions and 11 o'clock sessions, until the middle or latter part of the next week, as may be indicated?

Mr. RICHARDSON. That is all right, and perfectly satisfactory to us.

Mr. PAYNE. The great difficulty about that is that some gentlemen are obliged to be away on Tuesday next, and we would like to have a vote on Monday.

Mr. CANNON. Would they not be able to get back by Wednesday? I am not interfering in any way, but merely offering a suggestion.

Mr. RICHARDSON. We will agree to any suggestion looking to further debate.

Mr. PAYNE. Let us make this arrangement with reference to this week, commencing at 11 o'clock.

Mr. RICHARDSON. Yes.

Mr. PAYNE. And the other will be a matter for consideration afterwards.

Mr. RICHARDSON. All right.

The SPEAKER. The Chair desires to call attention to the fact that the gentleman from Tennessee suggested adjournment at 10.30 p. m., and the Chair understands the gentleman from New York to suggest 11 o'clock.

Mr. PAYNE. Afterwards I tried to correct it and make it10.30.

The SPEAKER. Then the request makes the hour of adjournment 10.30 instead of 11. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

GOVERNMENT OF THE TERRITORY OF HAWAII.

Mr. KNOX. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 2972 and report thereon.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for a reprint of the bill H. R. 2972 and the report thereon, being the bill for the government of the Territory of Hawaii. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

TRADE OF PUERTO RICO.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Puerto Rico bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Puerto Rican bill.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that I have sufficient time to conclude my remarks. I will say that possibly I may conclude within the hour, and possibly it may take me fifteen minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may have time to conclude his remarks. Is there objection?

Mr. RICHARDSON. Of course it comes out of the time of the other side. I have no objection, so far as I am concerned.

The CHAIRMAN. The Chair hears none.

Mr. RAY of New York. Mr. Chairman, the sovereign powers of the United States of America as an independent nation are derived from the recognition given us as such by Great Britain when our independence was recognized and granted.

The principles upon which this Government was founded and which inhere in it were announced to the world July 4, 1776, when our fathers gave to the world that immortal instrument, the Declaration of Independence. It emanated from and was enunciated by the thirteen colonies that subsequently became the United States of America, and the independence of which was recognized by Great Britain. When the nations of the earth recognized us as a nation under that name, the recognition extended to the thirteen original States, and when the Constitution was framed and ratified, the States, and the States only, spoke and adopted it as their Constitution and fundamental law, with a provision that other States, with their peoples, might be admitted into the Union by Congress and thus become entitled to the protection and benefits and immunities of that instrument. The consent of the people of the States acting through Congress and the President and of the people of the Territory is essential to the extension of the benefits and obligations of that instrument to any Territory or to the people of any Territory not within a State. I deny the right or power of Congress to compel the people of any Territory to assume the obligations and responsibilities of statehood, which would be the logical result if the Constitution, ex proprio vigore, extends to territory belonging to the United States.

The pending bill deals with the question of tariff laws for Puerto Rico, one of the newly acquired possessions of the United States of America under our treaty with the Kingdom of Spain, and with no other question directly. Indirectly, however, and as a necessary consequence of attempting to legislate at all regarding the management of affairs pertaining to the support and commercial control of this newly acquired Territory, using the word territory in the sense of peopled land, and not in the sense of "territory" as applied to our organized Territories on the continent of North America, we open up the whole question of the powers of Congress over Puerto Rico, the Philippine Islands, and our Territories generally, and the broad question whether or not new territory, territory acquired since the Constitution was ordained and established, before being organized and admitted into the Union as a State (or at least before being organized as Territories and given Territorial government), is a part of the United States in the political sense of that term, so that the Constitution, with its grants and limitations of legislative, executive, and judicial power, extends thereto as the supreme law ex proprio vigore—that is, of its own force and vigor, and unaided by and independent of any executive or legislative action.

In the very beginning of my remarks I desire to repudiate the theory or doctrine that any act or action of the Congress of the United States or of the President and Senate alone may extend the Constitution of the United States, as a constitution, over any territory while it remains territory. The Constitution is either there as the supreme law of every inch of our territory the moment it becomes the property of the United States, or only extends thereto, and can only be extended thereto, by the admission of the Territory into the Union as a State. This, however, is no denial of the power of the Congress of the United States in legislating for the territory, in making all necessary rules and regulations for its government and control, to enact into law and make applicable in a territory as law merely many of the provisions of the Constitution.

I deny also the power of the Congress of the United States, in legislating for the government or management of our territory—our newly acquired possessions—to enact any law, rule, or regulation it in its wisdom sees fit to enact. The Congress of the United States of America is the creation of the Constitution, would have no existence but for it, has no powers except those granted either expressly or by necessary implication, and which implied powers may properly and justly be said to include all powers not inconsistent with the genius or general spirit of our Government and institutions. Many of such inconsistent powers are specified and expressly prohibited to the Congress generally and absolutely without reference to their application to State or Territory. All these granted and implied powers are absolutely essential to our existence as an independent sovereign nation.

Subdivision 2 of section 3 of Article IV of the Constitution of the United States declares:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

The very next section, section 4, Article IV, says:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence.

It will be, must be, conceded that the Constitution does not

guarantee or bind the Congress to give the Territory, when legislating for it and creating for it a government, a republican form of government. The power to make "all needful rules and regulations" for the Territory is accompanied by no such guaranty, express or implied, and hence the government of a Territory need not be republican in form. Indeed, in many cases it could not be. It follows that certain provisions of the Constitution applicable to and designed for a republican form of government need not be applied to or made effective in our territory. In fact, if the Constitution applies itself, government in certain territory according to the Constitution being impossible, government there is impossible. Still there are absolute limitations and restrictions upon the powers of the Congress, applicable to it at all times, whether acting for the people of the States or of the Territories, whether legislating for States or for Territory.

Section 9 of Article I of the Constitution provides:

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it. No bill of attainder or ex post facto law shall be passed. * * * No tax or duty shall be laid on articles exported from any State. * * * No title of nobility shall be granted by the United States.

These are prohibitions upon Congress and the Government. So there are limitations upon the treaty-making power which apply to the acquisition of territory and to its government and management when acquired, although section 2 of Article II says:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

And Article VI provides that—

All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

One limitation is found in section 3 of Article IV, which says:

New States may be admitted by the Congress into this Union. * * * The Congress shall have power to dispose of * * * the territory or other property belonging to the United States.

Although a treaty made and ratified is the supreme law of the land, it can not make new territory acquired under it a State, or compel its admission as a State, or give its inhabitants constitutional rights, for the reason that Congress is invested with the sole power to admit new States into the Union and confer on their people all the rights and benefits guaranteed by our Constitution. To deny this or to deny either proposition is to assert that the President, with the assent of two-thirds of the Senators present and without the assent or approval of the House of Representatives, the immediate representatives of the people, and, indeed, against their wishes, may add territory to the United States and extend the political boundaries of the United States, intended to include only the duly organized and constituted States composing the Union, and extend to and over such territory and its people our Constitution, with all the privileges and benefits that instrument confers, and impose on this Government and the citizens of the States, without their consent or approval, and it might be against their will, all the expense and all the obligations incident to and that would follow such action.

On broad fundamental principles, on broad constitutional grounds, I deny the right or power of the treaty-making power which excludes the House of Representatives to make a single foot of foreign soil a part of the United States of America in the constitutional sense, or to place it under the protection or entitle it or its people to the benefits and privileges of the Constitution of the United States. All that the treaty-making power can do is to make territory acquired under treaty property of the United States, and all that the war power can do under the power of conquest is to make the ceded or conquered territory property of the United States and govern it temporarily; property belonging to the United States; property owned by the United States. Before such territory becomes a part of the United States, and before it comes in under our Constitution, the people of the United States have the right through both branches of Congress to be heard.

Therefore, on these broad principles that underlie and are the foundation of this republican form of government, I assert that Puerto Rico and the Philippine Islands are not a part of the United States of America; that the Constitution of the United States has not extended itself and can not extend itself over them; that the treaty-making power has not extended and could not extend the Constitution to or over those islands, and that the Congress is now at liberty, having plenary power in the premises necessarily incident to and derived from the sovereignty of this nation, and being restrained by those constitutional provisions only which expressly declare what the Congress can not and shall not do at all, to enact this bill into law and to make any and all needed provisions for the control and government of our newly acquired property and its people. And it is self-evident that these principles were recognized by the framers of the Constitution.

In some cases the powers of Congress are limited so far as legislation pertains to the States, while in others the limitation prohibits the making of certain laws or the passage of certain acts at all, whether applicable to the States or to the Territory organized, or managed, or to both. "No bill of attainder or ex post facto law shall be passed." This prohibits the passage of such a law, whether applicable to a State or States or a Territory or Territories, whether organized or unorganized. It is a fundamental principle of our Government written into the Constitution and making the enactment of such a law impossible. Such a law shall not be passed.

In the very preamble of the Constitution we find the United States of America defined and a Constitution for the new-born nation is ordained and established:

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The representatives of the people who framed the Constitution, who wrote this preamble, who submitted it for ratification, came from the States. The territories were not represented or invited to participate, and, considering the terms of the Declaration of Indepence, wherein it had just been asserted by these very men, or many of them, that all just governments derive their powers from the consent of the governed, we may safely assert that the words "we, the people of the United States" were not intended to include the people of the territories, as they were not represented, and were not supposed to be speaking. Later on in the same instrument all the then territories were designated as "property" of the United States. Did "we, the people of the United States," in ordaining and establishing a Constitution for the United States, speak of and designate a part and portion of ourselves and of the land we occupied as "property" of and belonging to ourselves, the United States?

In the first section it is then provided:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Representatives and Senators are chosen by and must come from the States, and representation is thereby denied the Territories. Can we for a moment suppose that the framers of the Constitution intended to make the Territory a part of the great political entity and sovereign power of the United States of America and then deny to it all representation and all participation in its Government? Is it reasonable to suppose that they were guilty of the absurdity of characterizing a constituent part of the whole as property owned by and belonging to the whole?

In the thirteenth amendment to the Constitution it is provided that—

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

These last words evidently refer to the District of Columbia and the Territories, whether organized or unorganized as such. It is clear that the wide distinction between "the United States" and "territory belonging to the United States" was well understood, as it was recognized and was intended to be preserved when this amendment was framed and adopted. If not so, then the words "or any place subject to their jurisdiction" was surplusage. The United States has jurisdiction over itself and over the whole of itself.

If the Constitution extends to and over the territory of the United States, there was no necessity for inserting the provision empowering the Congress to make all needful rules and regulations for the Government thereof, for section 7 of Article I provides, in conferring power on the Congress, that it shall have power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

If the Constitution, with its grants and limitations of power, applies and controls in the territory of the United States, as is asserted by those who oppose this bill, then no further reference to the Territories was necessary, and the Constitution is guilty of the absurdity of granting the same power twice over, only in different language, and thereby creating confusion in its interpretation. Having granted power in Article I "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers," etc., and which the opponents of this bill say apply to the whole United States, including all the territory thereof, and are the only powers conferred on the Congress respecting any Territory, why write into Article IV the words "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States?" Why call it property of the United States if a part of the United States, and why provide for "rules and regulations respecting" same when authority had already been given to make all necessary laws respecting and for the government thereof?

In this construction and interpretation of the Constitution there

is no danger of coming in conflict with that declaration of the President, "Freedom follows the flag." Power to govern and good government are inseparable from freedom. There can be no freedom without government, strong government, law, and ample, efficient law. The great and fundamental principles of both English and American liberty are written into our Constitution in the form of absolute prohibitions upon the Congress of the United States in legislating for the United States and all her Territories or in guaranties to the States when duly formed. These prohibitions forbid the passage of bills of attainder or of ex post facto laws. No titles of nobility shall be granted, and all officers of high and low degree under the United States, whether in State or Territory, are forbidden to accept any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state. The privilege of the writ of habeas corpus can not be suspended, except when in case of rebellion or invasion the public safety may require it, and the free exercise of religion can not be prohibited. These prohibitions are all general in their nature, and apply to Congress and the Government in every department whenever they act, whether in relation to the United States, the States, or territory belonging to the United States.

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States, so far as Congressional interference is concerned. (Reynolds *vs.* The United States, per Waite, C. J.)

No member of this House need hesitate to support this bill because fearful of denying civil rights to the inhabitants of Puerto Rico or the Philippines. With the latter-named islands this bill does not deal; with the civil and personal rights of the inhabitants of Puerto Rico we do not deal in this bill. The questions at issue are the power of Congress to enact a tariff law applicable to Puerto Rico alone, which imposes duties on merchandise coming into the United States from Puerto Rico and comingin to Puerto Rico from the United States at all, and if such powers exist the power to make such customs duties less or more, as Congress may determine, than the duties imposed on merchandise imported into the United States from foreign countries or exported from the United States to foreign countries. It is claimed, however, that if these powers exist Congress is unrestrained by the Constitution in dealing with and enacting laws relating to these new possessions and their inhabitants, and that intoxicated with power it may violate every principle of the Constitution of the United States affecting human rights and the liberties of the people in the islands mentioned.

I have undertaken to point out on general principles and in a general way the groundlessness of this fear. There is little danger that the representatives of a free people in a Republic like ours will assume or dare to violate these fundamental principles of personal liberty incorporated into the very being of the Republic, and which breathed into it the breath of life and incipient existence at Lexington and Concord, at the Cowpens and Kings Mountain, at Saratoga and Yorktown, and which were written in the Declaration of Independence and incorporated in the Constitution of the United States. Whatever is to happen in the future, it is certain that the growth of true liberty in the world has been coextensive with the growth of ideas. Civil and religious liberty go hand in hand with intelligence and education, and the Constitution of the United States is no better calculated for the complete and efficient government of our new possessions and their people under present conditions than were the Ten Commandments and the golden rule for the government of the Sioux Indians in 1789.

The time may come; I think it will come; God hasten the dawn of that glorious day when there has come to Puerto Rico and to the Philippines a sufficient degree of disenthrallment from the evils and ignorance and degradation of Spanish misrule and natural savage conditions to make their people fit and able to govern themselves under the provisions of our Constitution. Until that day comes it is the duty of the Congress of the United States, of the Executive of this Republic, in the interest of human liberty and progress, to govern those islands intelligently, patriotically, liberally, and conscientiously, with a firm humane hand, according to existing conditions, extending the benefits of our constitutional Government from time to time as the infant Territories grow in intelligence and appreciation and become fitted to receive and enjoy them. Section 8 of Article I of the Constitution of the United States provides:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. * * * To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Section 9 of the same article prohibiting Congress provides:

No tax or duty shall be laid on articles exported from any State.

It is asserted that the bill before the House violates these provisions of the Constitution. The claim is well founded if the Constitution by any process or by any action of the United States in acquiring these possessions has been extended to or over them, or if these islands are a part of the United States within the meaning of the last clause of subdivision 1 of section 8, above quoted, and which clause says:

But all duties, imposts, and excises shall be uniform throughout the United States.

The claim is also well founded and must prevail and this bill fail if Congress, as the sole act of the United States, lays a tax or a duty "on articles exported from any State" within the meaning of the clause of the Constitution quoted, viz:

No tax or duty shall be laid on articles exported from any State.

That the bill before the House is not within or obnoxious to the first subdivision of section 8, above quoted, is too plain for argument, and may be considered as settled by numerous decisions of the Supreme Court of the United States. Whether, generally speaking, the Constitution extends ex proprio vigore to the United States or not is not necessarily a vital question at this point, for the words "the United States" used in this section refer exclusively to the several States comprising the Union and not to the Territories. No case necessarily decides to the contrary. It is a provision for the benefit and protection of the States, and had no application or reference to the Territories.

In Article III, section 1, we find the same words:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, etc.

This gives a life tenure unless impeached and removed as a consequence.

In section 2, same article:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, etc.

If the Constitution ex proprio vigore extends to the Territories, and the words "the United States" as used in Article III includes the States and the Territories, it is evident that the judicial power exercised in the Territories by the several courts created in and for such Territories by acts of Congress and vested in such courts and the judges thereof is judicial power of the United States and that the judges when appointed hold for life, unless impeached and removed, for "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish," and "the judges, both of the Supreme and inferior courts, shall hold their offices during good behavior," and "the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States," etc.

If the Territories are a part of the United States and this constitutional provision extends to them ex proprio vigore, and it must if any part of the Constitution does, then it carries into and vests in these Territorial courts the judicial power of the United States, for it is not thinkable, intelligently, in the face of the Constitution, that the judicial power of the Territorial parts of the United States may be separated from the judicial power of the State parts of the United States and in the Territories exercised by Territorial courts and judges holding office for a limited time, it may be, while in the States it is exercised by other United States courts with judges having a life tenure. But the Supreme Court of the United States has repeatedly held that the judicial power exercised in the Territories, and by the Territorial courts and the judges thereof, is not judicial power of the United States within the meaning of the Constitution, and that the judges of such courts are not within the constitutional provisions quoted. (McAllister *vs.* The United States, 141 U. S., 174; American Insurance Company *vs.* Canter, 1 Pet., 511; Benner et al. *vs.* Porter, 9 How., 235; Clinton *vs.* Englebrecht, 13 Wall., 434; Reynolds *vs.* The United States, 98 U. S., page 154.)

The case of McAllister *vs.* The United States (141 U. S., 174), where the cases are collated and commented on and approved, settles the whole question adverse to those who contend that the Constitution extends ex proprio vigore to the Territories of the United States. Clearly, as decided five times by the Supreme Court, the words in the Constitution, "The judicial power of the United States," include and refer only to the States and exclude the Territory. The theory that the Constitution, ex proprio vigore, extends to territory the moment it becomes the property of the United States by cession or in any of the modes we may acquire it, has from the foundation of the Government uniformly been denied by the treaty-making power of this and other nations when dealing with us, by the uniform practice of the Congress when making laws for the Territories, and by judicial decisions. Spain and France and Mexico and Russia insisted upon putting into the treaties of cession guaranties entirely unnecessary if our constitutional provisions extended to the ceded territory, and in legislating for the Territories why has the Congress of the United States repeatedly, for half a century, enacted provisions extending to such Territories, so far as applicable, the provisions of the Constitution of the United States as law for such Territories, if the

Constitution of its own vigor had already extended itself to such domain?

Nor has it been expressly and necessarily decided that those fundamental provisions of the Constitution relating to trial by jury apply ex proprio vigore to the territory of the United States. It is true that in Thompson *vs.* Utah (170 U. S., page 346) Mr. Justice Harlan says:

> That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

And this learned and respected jurist cites in support of his assertion Webster *vs.* Reid (11 How., 437, 460), American Publishing Company *vs.* Fisher (166 U. S., 464, 468), Springville *vs.* Thomas (166 U. S., 701), and then says:

> It is equally beyond question that the provisions of the national Constitution relating to trials by jury for crimes and to criminal prosecutions apply to the Territories of the United States.

And cites in support of this assertion Reynolds *vs.* The United States (98 U. S., 145, 154) and Callan *vs.* Wilson (127 U. S., 540, 549, 551).

It must be kept in mind that the learned justice was speaking of our duly organized and constituted Territories to which had been given a Territorial, semirepublican form of government by express enactments of Congress, and which acts by express declaration provided that the provisions of the Constitution should apply to such Territorial governments and limit and control all laws made for them or in force there, and that the cases cited and referred to arose under such laws or in relation to the District of Columbia.

Mr. HENRY of Texas. Will the gentleman permit me to ask him a question?

Mr. RAY of New York. I will.

Mr. HENRY of Texas. Will the gentleman please state clearly the difference between an organized and an unorganized Territory?

Mr. RAY of New York. Well, now, that question does not come in here at this point at all; but I can point out to the gentleman, I think, without using too much of the time of the House, the difference between an organized and an unorganized territory. An unorganized territory in the broad sense is territory that the United States may have acquired either through the war power, or treaty power, or the right of discovery, to which the Congress of the United States has not given a Territorial form of government; whilst an organized Territory is one to which the Government of the United States, acting through the Congress of the United States, has given a Territorial form of government, which, when given, must be in accordance with the Constitution of the United States so far as the Congress is prohibited from doing certain things; to that extent and that extent only.

Mr. HENRY of Texas. Will the gentleman allow me to ask him one more question?

Mr. RAY of New York. You will take all my time.

Mr. HENRY of Texas. I will not ask the gentleman any further question.

Mr. RAY of New York. Very well.

Mr. HENRY of Texas. Then, when the Foraker bill passes, or the bill reported by the Committee on Insular Affairs shall pass, giving to Puerto Rico a Territorial form of government, will that eo instanti entitle them to free trade with the United States?

Mr. RAY of New York. Not at all. We can give to Puerto Rico a Territorial form of government; but in doing it we can not, when we establish courts there, authorize the passage of ex post facto laws, because we are prohibited such power. We can not do certain things which are absolutely prohibited; but in all other respects we can authorize those Territorial governments to do what they please, to exercise any powers they see fit to exercise, except that if in the organization of Territories we see fit to enact into law for the government of those Territories the provisions of the Constitution of the United States, as we have done heretofore, such government would be bound by them; and it is in the power of this Congress, in legislating for Puerto Rico or for any of the islands of the sea recently acquired, to enact into law for their government the provisions of the Constitution or not, as we see fit; and in the exercise of the powers given to us by the people of the United States there is no danger that we, the representatives of the people, will violate those fundamental principles of government which inhere in the very foundation of this Republic.

Mr. Chairman, at the time these cases arose and were decided we had no territory not protected by either treaty stipulations or acts of Congress extending to and over them, in the form of law, the guarantees of the Constitution referred to. In no case where the decision of the question was involved has it been held that the Constitution extends itself ex proprio vigore or any of its provisions to or over the Territories of the United States or to any of their people. An examination of the cases shows that this state of facts was the foundation upon which the decisions referred to rested and are the foundation upon which they stand and are recognized as authority to-day. In substance, Mr. Justice Brewer asserts this in the opinion given by him, and from which there was no dissent, in American Publishing Company *vs.* Fisher (166 U. S., 464). In all the cases coming from Utah we find the court referring to or quoting the act of Congress establishing a Territorial government for Utah approved September 9, 1850 (see chapter 51, section 17, 9 Stat., 453—458), wherein it was enacted—

> That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same or any provision thereof may be applicable.

And in 1874 it was further enacted as a proviso to an act providing procedure in all cases, legal or equitable, "that no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law."

The act of 1850, above quoted, made the provisions of the Constitution of the United States law for Utah so far as applicable, for the reason that Congress had plenary power to make all rules and regulations needful for the control and government of that Territory. It did not bring Utah and its people under the Constitution as a constitution, or extend it as such over that Territory, but by reference thereto enacted certain of its provisions into law for the government of Utah.

I do not care to assert that the Congress of the United States, in legislating for Puerto Rico, may violate any one of those fundamental principles of free government regarded as corner stones of our Republic, and which relate to the personal and property rights of our citizens.

We are forbidden to do this; the power to enact such a law is expressly denied and prohibited to the Congress of the United States, but is not denied, unless by implication, to the President, who as Commander in Chief of the Army and Navy of the United States now holds and rules the island to the control of which this bill relates. The people of the United States, who legislate for and govern themselves through their Senators and Representatives in Congress, in enacting this measure into law are exercising that sovereign power possessed by all nations, and in providing revenue are taking the first step necessary to sustain government anywhere. We, as representatives of the people, are but doing what is expected and demanded of us and what would be cowardly to refuse to do—assuming the responsibility for the government of the property belonging to the United States of America. It is the Republic asserting itself and substituting laws made by the people for laws, rules, and regulations made by one man, the President of the United States.

Mr. BROMWELL. Will the gentleman allow me an interruption?

Mr. RAY of New York. Certainly.

Mr. BROMWELL. I am with the gentleman on the constitutional proposition, and I would like to ask him one question on which I am in doubt; that answered and cleared up and I shall be entirely with him and with the majority on the argument that we have constitutionally the right to make any laws we see proper for the new possessions. The one point of difficulty in my mind is this: There is a provision of the Constitution which prohibits the levying of duties or imposts upon articles exported from any State. We propose in this bill to levy a duty upon articles exported from the United States into the island of Puerto Rico. It is true that that export duty is not collected in the ports of the United States, nor upon the articles as they go out of the States, but is levied upon the article when it comes into the ports of Puerto Rico.

Nevertheless, it has occurred to me that the distinction as to where the tax is collected is entirely immaterial, if as matter of fact this tax is levied upon goods sent out of the United States into the ports of Puerto Rico. For, if we regard the ports of Puerto Rico as foreign ports, we are in the same position as if we were to undertake by law to levy a duty upon goods exported from any port in the United States into England, France, or any foreign country. On the other hand, if we look upon the ports of Puerto Rico as domestic ports, then we are met with the controlling provision of the Constitution that there shall be no lack of uniformity in the matter of imposts upon articles exported or imported. Now, the gentleman from New York, as chairman of the Judiciary Committee, is undoubtedly able to answer the question to his own satisfaction; and if he can to mine, it will clear up the only doubt I have on this question.

Mr. RAY of New York. I had the same trouble the gentleman has when I first read this bill, and I went to work to clear it up, as well as to support the other propositions involved in the question. I can answer it to my own satisfaction completely, and I can answer it, I think, to the satisfaction of every fair-minded man within the authority and express language of the decisions of the Supreme Court of the United States and in such a way that no lawyer or man capable of comprehending legal reasoning, which includes nearly all of the citizens of the United States and, I am sure, all the members of this House. It is a proposition to which I was just coming, and as it troubles the gentleman and

may have troubled other gentlemen, I ask careful attention to what I say on this subject. I know it is rather a dry proposition, but it is a very important one.

No amount of declamation in this House or throughout the United States will make this bill constitutional. It must be sustained as constitutional under and by virtue of the language of the Constitution and the decisions of the courts. I hope to answer the proposition, and I had arrived at a point nearly where I may answer it.

It can easily be answered, and when properly answered no gentleman can doubt the constitutionality of this bill in its every feature.

In doing this I have been referring to the governing of Territories. The Congress, speaking for the people and acting for the Territory or in relation thereto, possesses and may and must exercise all the powers of both the State and the General Government, and hence this bill may become a law without violating that other constitutional provision and prohibition to which I have called attention and which declares that "No tax or duty shall be laid on articles exported from any State." States, with the consent of Congress, may lay imposts and duties on both imports and exports, but the net proceeds must be for the use of the Treasury of the United States.

You see the reason why; States as States and no State individually can act for or legislate for any Territory belonging to the United States. Congress must do that, and so the Supreme Court of the United States have decided ten times; and the doctrine has never been dissented from by any judge that in legislating for a Territory the Congress of the United States possesses and exercises the power of every State individually and the powers of all the States collectively and individually. Now, keep that in mind as proposition No. 1. Then we, as representatives of the people of the United States, the legislative power of the United States as a whole, as a government, as a sovereignty, speak for the nation, and may consent. When we legislate for the Territories of the United States we speak for the nation, and we speak for the States individually and collectively, and we exercise every power that the Constitution of the United States gives to the General Government and every power that the Constitution of the United States gives to a State or to all the States. That is decided over and over again.

This authority is conferred by section 10 of Article I of the Constitution, and reads as follows:

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

This bill provides for the payment of duties on merchandise brought into the United States from Puerto Rico and merchandise brought into Puerto Rico from the United States, such duties being paid at and in Puerto Rico. I can not and do not assent to the proposition that the 25 per cent of the present tariff imposed on all merchandise "coming into Puerto Rico from the United States" is not an export duty laid on articles exported from a State for the reason that it is imposed and to be collected at a port of entry established in Puerto Rico and not within the United States.

This fact makes no difference, for it is not material at which end of the line the duty imposed is paid. But Puerto Rico is not a foreign government or foreign state and can not be treated as such. The duty laid is not an import duty on merchandise imported into Puerto Rico from any foreign state or foreign territory. It can be said that as there is no denial of a right in or prohibition on the Congress to impose duties on merchandise carried from a State into a Territory belonging to the United States or on merchandise carried from such a Territory into a State or the United States, there is no limitation on the powers of the Congress in this particular, and that in the exercise of the plenary power conferred by section 3 of Article IV, we may enact this proposed legislation; that goods carried from a State into territory belonging to the United States are not "exported" from a State in the sense that word is used in the Constitution, because not carried to a foreign country.

Mr. BROMWELL. Is the gentleman through with his answer to my question?

Mr. RAY of New York. No; I have just begun.

Mr. BROMWELL. I want to suggest, so that we shall not be at cross-purposes——

Mr. RAY of New York. Well, I do not know that I ought to take the time to answer the gentleman; I am occupying too much time.

Mr. BROMWELL. What I want to ask is this: Section 9 of the Constitution has been construed to be a section of restriction on the power of Congress——

Mr. RAY of New York. I have said that as emphatically as any man can, that where there is an absolute prohibition in that instrument upon the power of Congress to act, we can not act, we can not pass a law, whether it relates to the State, the United States, or any territory belonging to the United States, which we are forbidden to pass, but this bill does not offend against that proposition at all. You must take the Constitution as a whole; you must read that provision in the light of the Constitution as one complete instrument.

Now, let me call attention to one or two points in this connection; and I can make a better argument against this bill than the gentleman has in his question.

Mr. BROMWELL. Oh, I do not want to make any such argument on any points except this constitutional question when I think I am with the gentleman.

Mr. RAY of New York. I think the gentleman will be with me on this matter when he has heard fully the argument. Let me call attention to the two sections side by side.

Section 9 provides:

No tax or duty shall be laid on articles exported from any State.

Mr. BROMWELL. That is a prohibition on Congress.

Mr. RAY of New York. An absolute prohibition——

Mr. BROMWELL. On Congress.

Mr. RAY of New York. Yes; on the Congress of the United States——

Mr. BROMWELL. That is right.

Mr. RAY of New York. In laying export duties on articles going abroad from a State.

Mr. BROMWELL. Now, what I want the gentleman to do is to construe that provision in view of the provisions of this bill.

Mr. RAY of New York. I believe I catch the gentleman's point; and if I do not cover it in what I shall say, I hope he will call my attention to the omission.

Now, in the very next section, section 10——

Mr. BROMWELL. Which contains the prohibitions on the States.

Mr. RAY of New York. I find this language:

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Now, when you read an instrument, when you read the Constitution of the United States or of a State, or when you read a law, or when you read a contract or a deed or a letter, or any other paper, or when you look into the face of a man to ascertain his character, you are to take together everything bearing upon the question, are you not? And although there may be a sentence here that prohibits a given thing; yet if there is a sentence later looking in a contrary direction, you must take the latter provision into view as a modification of the former; you are to read all together the several provisions bearing on the given subject.

Now, in the first place, let me give what I regard as a complete answer to the point raised here. I have looked up the definition of this word "export," and I find that the word "export," as used in the Constitution of the United States, refers only to goods or merchandise exported to a foreign country. If you will take the Standard Dictionary and look at the definition of the word "export," you will find it stated as I have just given it. I only call attention to the authorities on this subject that "export," as used in the Constitution, means goods exported to a foreign country.

Now, if the authors of the Standard Dictionary are correct—and I assume that they are, and that this definition is correct—then that settles the proposition, does it not? because Puerto Rico is not a foreign country. And if that definition of the word "export" as used in the Constitution is correct, that ends this controversy, and that section, section 9, has no application to goods carried from the States to Puerto Rico. But assume that that is not correct—and, I repeat, I believe it is, for I have examined every book that I could get hold of in the Library of the Congress of the United States; I spent one whole day on this subject alone, and I could not find any ground for a declaration to the contrary—but, I say, assuming that that is not correct and that the provision does apply to goods exported from a State of the United States to Puerto Rico, which is territory belonging to the United States, but not within the United States, except geographically, then section 10 of Article I comes into play, and the States can lay these export duties with the consent of Congress; and if a State may do this, then under the decisions of the Supreme Court of the United States Congress may do it, because in legislating for territory Congress acts for the States; and Congress, as I said before, acts for the United States. So there is no question whatever under either aspect of the case as to the right of the Congress of the United States to enact this bill into law.

Mr. BURKE of Texas. Will the gentleman allow me a suggestion?

Mr. RAY of New York. Certainly.

Mr. BURKE of Texas. I understood the gentleman—and I

think I understood him correctly—to state that the word "export" means goods exported from this country to a foreign country.

Mr. RAY of New York. Yes; that is, I believe, the constitutional sense in which the word is used; that is the meaning of the word as used in the Constitution of the United States. I find the meaning of the word so defined in the authorities; and I simply say that that disposes of the subdivision in section 9, I believe it is, of the Constitution. If that be true——

Mr. BURKE of Texas. Now, as I understand the gentleman, he is seeking to justify the levying of these export duties on goods exported from this country to Puerto Rico on the ground that it is exportation to a foreign country——

Mr. RAY of New York. Oh, no; I repudiate any such idea. I have not claimed anything of the kind. I repudiate any such theory or doctrine.

Mr. BURKE of Texas. I certainly understood the gentleman that way.

Mr. RAY of New York. Oh, no. I have expressly declared, and I declare now in order that the gentleman from Texas may understand me, that Puerto Rico is not a foreign country; it is not foreign territory; it is territory belonging to and owned by the United States; in the language of the Constitution of the United States, it is "property belonging to the United States."

But still this question remains: If exports from a State include goods carried from a State into Territories belonging to the United States, this bill is justifiable and constitutional under the section that I have just read, section 10 of Article I of the Constitution, which I will not read again, because I think the gentleman from Texas [Mr. BURKE], if he will look at the Constitution, will be able to read and comprehend for himself.

Now, I think I have covered that point and will not attempt to repeat it; but I wish to say if the contention is correct that this Territory is not a part of and within the United States, then merchandise carried from a State to Puerto Rico is "exported" in the ordinary sense of the word, although not carried or intended to be carried to a foreign country. But I am fully convinced that in the true and correct constitutional sense merchandise carried from the States into Territories belonging to the United States is not "exported" in the constitutional sense and meaning of the word and that the prohibition on the powers of Congress has no application.

The definition of the word "export," as found in the Standard Dictionary of the English language is:

> That which is exported; in general, goods or any article of trade or merchandise sent from one country to another; properly, and as used in the United States Constitution, goods sent to a foreign country.

The framers of the Constitution when making this provision were not attempting to regulate commerce between the Territories or between the States and territory or the United States and its territory. It stands to reason that the Congress of the United States, representing and speaking for all the States, and armed with full power over the Territories, which are property of the United States, of all the the States, may regulate the terms and name the conditions on which the people of the United States may enter on such property with or without merchandise and impose conditions or charges of any reasonable character for the privilege of taking goods into or upon such property.

Let me bring the matter right here to a practical illustration. Suppose this Capitol building were no longer used for the meeting of the two Houses of Congress. It is property belonging to the United States. It is in the District of Columbia. Would not the Congress of the United States have the constitutional right and power to say to the people of the United States, "You can enter into this building with your goods, with your merchandise, and you may sell it to the people of the District of Columbia, provided you pay to the Government 10 per cent of its value for the privilege of so doing?" If there is any man who denies or doubts our constitutional right to do that, I should like to have him rise, that I may know his opposition. And I do not care which side of the House he comes from.

Now, the Territories of the United States are property belonging to the United States, and there is no doubt of it. But right there I want to say that one gentleman has said to me, "If your contention be true, then you make the people of these territories goods and chattels belonging to the United States." Why can you not separate in your minds, gentlemen, the distinction between property in the territory, in the soil, belonging to the United States and the people living upon it? They are not property, but they live there under the authority of the Government, subject to the Government and subject to such government as Congress sees fit to give them in exercising the powers the people of the United States have delegated to it; and if they live there and enjoy the benefits derived from living on and occupying the soil belonging to the United States, the people of Puerto Rico and the Philippines must do just exactly what you and I are compelled to do, and that is obey and conform to the laws made by the lawmaking power of the government under which they live, and that is all there is of the proposition. They are not citizens of the United States.

When the people of these islands come with the territory under the jurisdiction of the United States they do not come with the rights and privileges and obligations given or imposed by the Constitution of the United States, and until the Congress of the United States, representing the people, sees fit to extend such rights to them, the people do not possess them. And why that is so I will demonstrate later on. But I must hasten.

In Insurance Company *vs.* Canter (1 Peters, 511-546), decided in 1828, Chief Justice Marshall said:

> In legislating for them (the Territories) Congress exercises the combined powers of the General and the State governments.

In Benner *vs.* Porter (9 Howard, 242), the court said:

> They—
>
> The governments of the Territories—
>
> are legislative governments—
>
> That is, governments created by the Congress of the United States—
>
> and their courts legislative courts, Congress in the exercise of its powers in the organization and government of Territories combining the powers of both the Federal and State authorities. There is but one system of government or of laws operating within their limits, as neither is subject to the constitutional provisions in respect to State and Federal jurisdiction.
>
> Also—
>
> They are not organized under the Constitution nor subject to the complex distribution of the powers of Government as the organic law, but are creations exclusively of the legislative department and subject to its supervision and control.

And now I want the attention of the gentleman from Ohio, and I hope he will give it, because he has made his inquiry. Let us substitute the words "exports and imports" in the opinion of Mr. Justice Harlan, in the McAllister case, and see what he will say in regard to exports and imports; let us simply substitute these words in the proper place in the opinion in that case, and then on that opinion determine what the Supreme Court must say when it comes to pass on the constitutionality of this proposed law.

In McAllister *vs.* The United States (141 U. S., page 181) the court cites with approval the previous holdings that—

> Congress, in the exercise of its powers in the organization and government of the Territories, combines the powers of both the Federal and State authorities.

And then, at page 190 (opinion by Justice Harlan), restates and reaffirms the same doctrine in these words:

> This argument fails to give due weight to the fact that in legislating for the Territories Congress exercises "the combined powers of the General and of a State government." Will it be contended that a State of the Union might not provide by its fundamental law, or by legislative enactment not forbidden by that law, for the suspension of one of its judges by its governor until the end of the next session of its legislature? Has Congress, under "the general right of sovereignty" existing in the Government of the United States as to all matters committed to its exclusive control, including the making of needful rules and regulations respecting the Territories of the United States, any less power over the judges of the Territories than a State, if unrestrained by its own organic law, might exercise over judges of its own creation?

The same doctrine is asserted in other cases and has become settled law.

As the States, under section 10 of Article I of the Constitution, may lay imposts or duties on imports or exports with the consent of Congress, provided the net proceeds are for the use of the Treasury of the United States, and the Congress, when legislating for the Territory, combines the powers of both the State and Federal authorities, and may therefore exercise all the powers of the State or States in the premises, and may also consent to the levy of duties on imports and exports, and may also make all needful rules and regulations respecting the Territory, it may, without violating the provision "no tax or duty shall be laid on articles exported from any State," make a law for and applicable to territory of the United States laying imposts and duties on both imports and exports into or from such territory, whether coming from or going to a State of the United States, even assuming that merchandise carried from a State into such territory is, within the meaning of the Constitution, exported.

Let us now apply the words of Mr. Justice Harlan, in McAllister *vs.* The United States, to the question under consideration, merely substituting the subject-matter now in question, and we say and must say and make the court say, "Will it be contended that a State of the Union might not provide by its fundamental law, or by legislative enactment not forbidden by that law, for the laying of a tax and duty on articles exported from the State? Has Congress, under the general right of sovereignty existing in the Government of the United States as to all matters committed to its exclusive control, including the making of needful rules and regulations respecting the Territories of the United States, any less power over the laying of a duty on exports from a State, or from the States or the United States, than a State if unrestrained by its own organic law might exercise over exports from such State or States?"

The only restraining power on a State is that the consent of Congress must be obtained to the laying of the export or import duty, and that consent Congress does give when it enacts such a bill or this bill into law.

The prohibition referred to is not operative in such a case—that is, when we legislate for our territory.

Returning now to the decided cases claimed to determine that the provisions of the Constitution do extend to our newly acquired territory ex proprio vigore, and turning to the opinion of Mr. Justice Johnson in Insurance Company *vs.* Canter (1 Peters, 514, 520), we find him asserting:

The question now to be considered relates to territories previously subject to the acknowledged jurisdiction of another sovereign, such as was Florida to the Crown of Spain.

And on this subject we have the most explicit proof, that the understanding of our public functionaries is that the Government and laws of the United States do not extend to such territory by the mere act of cession. For in the act of Congress of March 30, 1822, section 9, we have an enumeration of the acts of Congress which are to be held in force in the territory; and in the tenth section an enumeration in nature of a bill of rights of privileges and immunities which could not be denied to the inhabitants of the territory if they came under the Constitution by the mere act of cession.

He then proceeds to demonstrate by most cogent reasoning that territory acquired by cession from foreign nations does not become a part of the United States in the sense that the Constitution operates over or upon it or its people except to confer on Congress plenary power to govern.

The report of the majority is in error wherein it states that—

Never until in 1850, in the case of the Territory of New Mexico, was there an enactment of Congress extending the Constitution, though there have been several since.

The act of 1822 giving Territorial government to Florida provided:

But no law shall be valid which is inconsistent with the Constitution and laws of the United States, etc.

And the act of 1823, amendatory and supplementary thereto, provided:

They shall have legislative power over all rightful subjects of legislation; but no law shall be valid which is inconsistent with the Constitution and laws of the United States or which lay any person under restraint, etc.

And the act of the First Congress, section 1, Statutes at Large, extended the Constitution to the great Northwest Territory by enacting into law its provisions as to personal rights, etc.

All decisions of the courts, therefore, relating to Florida prior to her admission into the Union must be read in the light of the fact that the limitations and restrictions of the Constitution and, in fact, all of its provisions in any way applicable had been enacted into law for that Territory and applied with all the force and effect it would have had had it been considered that Florida was a part of the United States politically as well as geographically, and that the Constitution operated there ex proprio vigore.

The decision in the case of American Publishing Company *vs.* Fisher demonstrates that it is not settled that the Constitution ex proprio vigore extends to Puerto Rico and the Philippine Islands. The court there says:

Whether the seventh amendment of the Constitution of the United States, which provides that "in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved," operates ex proprio vigore to invalidate this statute may be a matter of dispute. In Webster *vs.* Reid (2 Howard, 437) an act of the legislature of Iowa dispensing with a jury in a certain class of common-law actions was held void. While in the opinion, on page 460, the seventh amendment was quoted, it was also said: "The organic law of the Territory of Iowa, by express provision and by reference, extends the laws of the United States, including the ordinance of 1787, over the Territory as far as they are applicable;" and the ordinance of 1787, article 2, in terms provided that "the inhabitants of said Territory shall be entitled to the benefit of the writ of habeas corpus and of trial by jury." So the validity may have been adjudged by reason of conflict with Congressional legislation.

In Reynolds *vs.* United States (98 U. S., 145, 154) it was said, in reference to a criminal case coming from the Territory of Utah, that "by the Constitution of the United States (Amendment VI) the accused was entitled to a trial by an impartial jury." Both of these cases were quoted in Callan *vs.* Wilson (127 U. S., 540) as authorities to sustain the ruling that the provisions of the Constitution of the United States relating to trial by jury are in force in the District of Columbia. On the other hand, in Mormon Church *vs.* United States (136 U. S., I, 44) it was said by Mr. Justice Bradley, speaking for the court: "Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions." And in McAllister *vs.* United States (141 U. S., 174) it is held that the constitutional provision in respect to the tenor of judicial offices did not apply to Territorial judges.

Justice Brewer then adds:

But if the seventh amendment does not operate in and of itself to invalidate this Territorial statute, then Congress has full control over the Territories, irrespective of any express constitutional limitations, and it has legislated in respect to this matter.

It follows that Congress may, without coming into conflict with the Supreme Court, express its own ideas on this subject and determine its own policy, for the time being at least, as to the government of these islands.

That they must be governed and cared for all concede. The eyes of the nations of the earth are upon us and prophecy is rife that we are so hampered by constitutional limitations, restrictions, and prohibitions that we can not govern our new possessions effectively except through the military arm of the Government and under the supreme orders or commands of the President as Commander in Chief of our Army and Navy. If this be so, and we are to determine the question here and now, and our Democratic friends seem desirous that it shall be and must be so, then we have an absolute monarchy, a despotism, it might be, for these islands with which the Congress dare not interfere lest all efficient government in the islands fail.

No man has asserted or truthfully can assert that the Malays in Luzon or the Puerto Ricans are now fitted for self-government under a Territorial form of government or any form of government in accordance with our Constitution. To hand that instrument over to them in their ignorance and degraded condition would be worse than casting pearls before swine, which is forbidden by Holy Scriptures; it would be to prostitute that most sacred instrument to uses for which it was not intended and to attempt to execute its grand principles under conditions that its framers did not contemplate and that forbid its application.

Taxation under this bill, so far as it will amount to taxation, will be almost nominal, and in the first instance fall upon those best able to bear it, upon those who are to reap the fruits of commercial intercourse with our new possessions. Every dollar that comes from the inhabitants of the island affected by this bill will be returned to and expended for their benefit and to elevate and liberalize that people and fit them to receive at no distant day the full benefits of our constitutional form of government. When that day comes, as it will when free schools and free religion have done their work; when liberty of conscience and freedom to worship God and education in the principles of true liberty and the science of free government have lifted those peoples from the mire of ignorance and superstition, the accumulation of four centuries of misrule and oppression, then freedom in all its broad significance, as declared in our Constitution and which follows the flag, shall be extended in the form of a just, constitutional Territorial government, to be followed in due time by full statehood in this grand Union under the Constitution and the bright stars and broad stripes of "Old Glory." [Prolonged applause on the Republican side.]

The CHAIRMAN. The gentleman from Ohio [Mr. BROMWELL] is recognized for twenty minutes.

Mr. BROMWELL. Mr. Chairman, it is never an agreeable thing for a member of this House to take an active stand in opposition to his own side. It is much easier to drift with his own political associates and to yield his personal views and support the recommendation of the majority of a committee controlled by his own party. In minor matters I frankly say that I have upon numberless occasions, when in doubt, yielded my own opinions and preferences and voted with my Republican colleagues.

But in a matter of so great moment as the present measure, which will shape the future policy not alone of the Republican party but of the nation, and establish precedents which are to be followed in the future, dealing with the questions of right and equity in our treatment of those under the protection of our flag and owing allegiance to this Government, I for one believe that every member of this House, upon his solemn honor, should investigate and decide these questions for himself and should cast his vote as his conscience dictates. It is a duty which he owes to himself, that he may merit the approval of his own judgment and sense of right; to his party, that he shall not assist it to commit an error which may affect its future domination in the Government; and to his country, that it may stand as the exponent of all that is just and honorable in its treatment of its citizens.

Therefore, as a result of much careful and conscientious thought upon the subject, I rise to-day to oppose a portion of the report of the Ways and Means Committee on this bill, and to express my preference for the bill as originally introduced by the gentleman from New York, the chairman of the committee. I say a portion of this report; for upon the other important feature of the bill and report, which will probably excite the greatest debate and be the dominant issue before the House in connection with this bill, I am happy to say that I am in the main thoroughly in accord with and indorse the position of the committee.

And I wish to say here, in order that my position may not be misunderstood, that while I shall vote to recommit this bill to the committee with instructions to report back the original Payne bill, still, if that proposition shall be voted down, rather than have no legislation on the subject I shall vote for this bill.

The two propositions to which I refer are:

First. The power and authority of Congress to legislate as it may see proper upon all questions relating to the government of the island of Puerto Rico; and

Second. The justice and equity of the legislation proposed.

I. THE AUTHORITY OF CONGRESS.

Upon the first of these propositions I made a careful study when the matter of the powers of Congress to legislate upon newly acquired territory was under discussion a year ago, and in some

remarks made by me at that time took the position that under that section of the Constitution (clause 2 of section 3 of Article IV) which gave Congress "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," and upon the decisions of the Supreme Court of the United States in the various cases that have gone before it involving the question of the extension of the Constitution into newly acquired territory, the entire subject of legislation for such territory and its inhabitants was relegated solely and absolutely to Congress. Upon this point I think the authorities are consistent and conclusive.

There is, however, one point which, so far as I remember, has not yet been referred to in the discussion that I would like to have some gentleman supporting the majority report clear up. The bill provides for a duty upon articles exported from the United States into Puerto Rico, or, in the language of the bill, "all merchandise coming into Puerto Rico from the United States," etc. How does this authority to levy this duty on exports comport with the provisions of clause 5 of section 9, Article I, the language of which is: "No tax or duty shall be laid upon articles exported from any State?" All the provisions of this section are restrictions upon the powers of Congress, and even if we go to the point of admitting that the constitutional provisions do not extend to Puerto Rico they surely do to the ports of the States of the Union. The mere fact that the duty is collected in Puerto Rico, where the goods are delivered, instead of at the point of shipment, does not make it any less a tax upon an export from a State. This doubt cleared up, I am ready to support the contention of our authority to legislate for the island upon the subject of the tariff in any way and to any extent we see proper.

II. AS TO THE JUSTICE OF THE LEGISLATION PROPOSED.

But, admitting that Congress has the constitutional right to legislate as it may see proper upon all matters relating to the government of the island of Puerto Rico, I regret to say that I can not concur in that portion of the report which deals with the equity, justice, or necessity of the legislation proposed in regard to the customs duties and internal-revenue laws proposed to be applied to the island. The original bills introduced in the House and Senate proposed to establish free trade between the United States and Puerto Rico. These bills were strictly in accordance with the recommendations of the President of the United States, of the Secretary of War, and others familiar with the conditions and necessities of the people of the island. The President, in his annual message to Congress, said:

It must be borne in mind that since the cession Puerto Rico has been denied the principal markets she has long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products. The markets of the United States should be opened up to her products. Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

Secretary Root, whom I regard as next, if not equal, to the great war Secretary, Stanton, in his honest, able, and strong administration of the War Office, in his annual report for the year 1899 uses this language, referring to the island of Puerto Rico:

The question of the economic treatment of the island underlies all the others. If the people are prosperous and have an abundance of the necessities of life, they will with justice be easily governed, and will with patience be easily educated. If they are left in hunger and hopeless poverty, they will be discontented, intractable, and mutinous. The principal difficulty now in the island of Puerto Rico is that the transfer of the island from Spain to the United States has not resulted in an increase of prosperity, but in the reverse. The industry of the island is almost entirely agricultural. The people live upon the products of their own soil and upon the articles for which they exchange their surplus products abroad. Their production is in the main of coffee, sugar, and tobacco. The prosperity of the island depends upon their success in selling these products.

So long as the island was a part of the Spanish possessions there was substantially free trade with Spain and Cuba. The total exports from Puerto Rico for the four years preceding 1897 averaged about $16,609,000, of which an average of less than one-sixth part ($2,630,000) was sold to the United States, and an average of one-half ($8,025,000) was sold to Spain and Cuba. Immediately upon a transfer of the island from Spain to the United States, Spain erected a tariff barrier against the introduction of Puerto Rican products. The interests of Cuban agriculture led to the erection of a similar barrier in the tariff adopted for Cuba, so that Puerto Rico was debarred from the principal markets which she had previously enjoyed, and at the same time this country has maintained its tariff against Puerto Rican products just as it existed while the island was Spanish territory. The result is that there has been a wall built around the industry of Puerto Rico.

Even before the hurricane of August 8, 1899, two crops of tobacco lay in the warehouses of Puerto Rico, which the owners were unable to sell at prices equal to the cost of production. Their sugar shared the prevailing depression in that commodity, arising from the competition of bounty-fed sugar beet. Their coffee was practically unknown in the United States and had no market here. It is plain that it is essential to the prosperity of the island that she should receive substantially the same treatment at our hands that she received from Spain while a Spanish colony, and that the markets of the United States should be opened to her as were the markets of Spain and Cuba before the transfer of allegiance. Congress has the legal right to regulate the customs duties between the United States and Puerto Rico as it pleases; but the highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish to urge most strongly that the customs duties between Puerto Rico and the United States be removed.

In a recent interview with Gen. Roy Stone, published in the Washington Post, he said:

RISK WITH PUERTO RICO—GENERAL STONE FEARS AN ESTRANGEMENT OF THE PEOPLE—NOT KEEPING FAITH WITH FRIENDS—THE INHABITANTS OF THE ISLAND, HE SAYS, HAVE ALWAYS BEEN CONFIDENT THAT THEY WOULD HAVE THE PRIVILEGES OF OTHER CITIZENS—TIMIDITY OF CONGRESS ON ACCOUNT OF A PRECEDENT THAT MIGHT BE ESTABLISHED—PUERTO RICO TARIFF UNSATISFACTORY.

"When the Major-General Commanding the Army of the United States landed in Puerto Rico with 3,000 men," said Gen. Roy S. Stone yesterday, "the island was defended by 9,000 Spanish regulars and nearly as many well-armed volunteers. Its 1,000,000 people had then no great grievance against Spain, having just been given a large measure of self-government, with universal suffrage and a voting representation of nineteen members in the two houses of the Cortes at Madrid. They had free trade with Spain and a fair degree of prosperity.

"To our little army of invasion the question whether these people were to be friendly or hostile was a question of life or death. If hostile, in their mountain fastnesses they could make bloody work for 100,000 men. General Miles very wisely sought their friendship. He assumed to speak for the Government and the people of the United States, and his authority has never been repudiated nor questioned. He issued his proclamation, saying, among other things, 'We have come to bestow upon you the blessings and immunities of the liberal institutions of our Government.'"

"Did you not have some personal observation of the conduct of these Puerto Rican soldiers?"

"How the people responded with help and welcome everyone knows, but few know how ready they were to fight for us," he replied. "They had no arms and we had none to spare, but every man who could get a gun came to our camps, and thousands offered themselves to meet the Spanish rifles with their bare machetes. And these were fighting men. General Schwan found reason to praise the 'skill and daring' of his Lugovina scouts, and my own experience was the same.

RUSHED STRAIGHT ON THE ENEMY.

"In an excursion on which I was sent into the interior of the island I was joined by 400 Puerto Rican gentleman, riding their own horses and carrying rifles which they had captured individually from the Spanish volunteers, and the only criticism the American commander of this battalion could make regarding them was when they 'disobeyed orders and rushed straight upon the enemy.'

"Representative WADSWORTH, who shared some of the perils and hardships of that little campaign and was ready for more, can testify to the eagerness with which the citizens of Utuade took arms to attack the Spanish regulars at Arecibo."

"Can we afford to break our solemn promise to these people at the outset of our rule? Shall we give them three-quarters or some other fraction of what is due them, and that, not as a right, but as a concession, which the next Congress may revoke?"

"If the conscience of the nation could consent to such an iniquity, it might still be wise to consider that we may have, any day, to defend that splendid possession against a foreign foe; that it is now the grand outpost and guard over our coast and commerce and canal that is to be, and that when such an occasion comes, if our dealings with these people have shown kindness and liberality, or even fairness and common honesty, we might raise 50,000 fighting Puerto Ricans to defend the island against our enemy."

"Is there not fear of competition with our products?"

MAKES A FAILURE POSSIBLE.

"What is the plea on which we are ready to sacrifice the honor of the nation, embitter a million of warm-hearted friends, and risk a failure in expansion, a general overturn in politics, and a loss of present prosperity in the country?" replied General Stone. "It is not the fear of Puerto Rican competition in sugar or tobacco, for our producers themselves say there are no such fears; it is the 'need of revenue in the island' and the 'danger of establishing a precedent.' But the Puerto Ricans say they would rather pay direct taxes for revenue than be outsiders and inferiors in the nation; and if there is any danger of a precedent, Congress has only to base action giving the fullest citizenship to the Puerto Ricans upon the contract under which we took them, their acceptance of our formal proposal, in order to segregate them entirely from the Filipinos, Cubans, or any other people who may come to us in a different manner."

I have recently conversed with the gentleman who, as supervisor of the census in Puerto Rico, spent several months mingling with its people of all classes, visiting all parts of the island, and became thoroughly informed as to the sentiments and wishes of the people of the island. He informs me that they are a unit in their desire to be placed upon the same footing as to customs and internal-revenue duties as the people of the United States. They have looked forward to nothing else, and any discrimination against them as proposed in this bill will be a source of discontent and irritation the effects of which will be visible for many years. To my mind the above statements set forth reasons which are conclusive as to our duty in this matter.

III. MOTIVE FOR CHANGE IN THE ORIGINAL BILL.

Naturally we are led to inquire what motive it was that has led the committee to amend the original bill and insert the discrimination which is now suggested. Surely no change in the views of the President, who is presumed to be the best advised upon the subject of the conditions and needs of the island, for while it is true that statements have appeared in the daily papers of interviews between members of the Ways and Means Committee and President McKinley upon this subject, none of these interviews have gone to the extent of announcing that the President has retroceded from his position as expressed in his message. The utmost that has been claimed is that the President has assured those who have conversed with him upon the subject that if this House in its wisdom, or perhaps lack of wisdom, should pass this bill in its

present form, he will not set his personal views against the wish of Congress to the extent of vetoing the bill. That he approves of it I can hardly conceive.

I listened to and have carefully read the remarks of the gentleman from New York and others who have followed him to ascertain if they claimed or even hinted at any change of views of the President upon the subject, but have failed to find any such assertion. With what alacrity the gentlemen would have made such a statement. How completely they might have answered the doubts of their colleagues on this side of the floor, who believe that the President, with ample information through official sources when he made his annual address to this body, was in the best position to judge of the necessities of the people of the island and best qualified to recommend the measures for their relief. For my part, as between the President and the committee, I prefer, with all due respect to the latter, to accept the judgment of the President.

The Secretary of War has not, so far as I have been able to learn, given an expression to any opinion which would modify in the least these statements made in his report. It is but two months since these official statements were made to this House, and it can not be argued that any change has taken place in the situation in that interval. What was a good argument on the 1st day of December, 1899, for the freedom of commercial intercourse between the United States and Puerto Rico is equally as strong to-day. What is it, therefore, that has caused the committee to reverse the views which they entertained but two short months ago?

Mr. DALZELL rose.

Mr. BROMWELL. Now, I presume, the gentleman who is about to interrupt me is prepared to say, as I am informed he has said to others, that the President is in favor of this bill. I do not dispute that, but I say that no longer ago than day before yesterday a representative of one of the great Republican papers of this country was sent to the President of the United States by his paper for the purpose of ascertaining the views of the President. The paper wanted to support the Presidential policy; they wanted to know whether they should continue editorially the support of the position the President had taken in his message; and the representative of that paper was assured at that time, no longer ago than day before yesterday, that the President was of the same opinion still and that the paper should go on as it had been doing.

If the President of the United States, since his message to Congress in December, has obtained information which shows that conditions are different to-day from what they were then, it is a solemn duty that he owes to this House and the other House of Congress that he should communicate that additional information to us [applause], that we should not be dependent upon conversations and interviews of individual members of this House with the Chief Executive for the information upon which we as a legislative body are to act. The Constitution provides that the President of the United States shall give to Congress such recommendations as he may think proper for the information of the members in the proper discharge of their duties. Let the President send a message to this House; let him say to us, "Conditions are different to-day in Puerto Rico from what they were in December;" let him say, "I have additional information that I did not have when I wrote my message in December;" and the recommendation of the President will receive at the hands of every member of this House, and I am sure, speaking for myself, that it will receive at my hands, all that consideration that is due to every conscientious and honest Chief Executive of this country. [Applause.] But we get no such information at first hands. It comes to us through half a dozen channels; and we are advised that if we call personally upon the President, he will assure us that he wants us to vote for this bill. As I said at the beginning of my remarks, if we can not get the bill that was originally introduced in this House, if we can not have what the President recommended to us as an absolute necessity for the people of the island of Puerto Rico, I for one am willing to take a half a loaf rather than no bread.

Mr. DALZELL and Mr. SHATTUC rose.

Mr. BROMWELL. I have but twenty minutes, and ten minutes of that time have already gone. The gentleman will undoubtedly get plenty of time; and if he can have my time extended after my twenty minutes have expired, I will be glad to answer his questions.

Mr. DALZELL. You said you did not know why the committee had changed their minds. I wanted to ask you how you propose to raise the money——

Mr. BROMWELL. Mr. Chairman, I decline to be interrupted until I get through. Then I will answer any questions that the gentlemen may ask. I merely want to say this, however, and I say it with all due respect to the committee, that if the Committee on Ways and Means of this House had taken its Republican colleagues into its confidence when this great measure was under consideration, there might not have been the same opposition to the bill that there is to-day. [Applause.]

The only conclusion that I can reach is the opposition that has been made by certain interests in this country, who fear that the freedom of trade will injure the prices of the productions in which they are interested by bringing competition from the island. The three great productions of Puerto Rico are coffee, sugar, and tobacco. We raise no coffee in this country, and even if we did, as it is on the free list under the Dingley tariff law, the question of competition could cut no figure. As to sugar and tobacco it is otherwise. I know that it is true that Senator FORAKER, in his report upon the bill for the temporary government for Puerto Rico, and Mr. PAYNE, in his report upon this bill, both take the position that the production of sugar and tobacco in the island is so insignificant compared with the production and consumption in the United States that it could not affect the prices of these commodities to the consumer, and that therefore they would not enter into competition with the home production. And yet when I read in the American Agriculturist of February 10 such articles as the following I can not but believe that these and similar influences must have had some effect upon the minds of the committee in reaching the conclusion which they have in this report:

THE PUERTO RICAN TARIFF.

Free trade with Puerto Rico was decreed by the Administration two months ago, but the producers of sugar, tobacco, fruits, vegetables, etc., have entered so bitter a protest at Washington that both the Senate and House committees in charge of the matter have decided to recommend that the existing Dingley tariff be applied to Puerto Rico, except that all goods going into the island from the United States shall be admitted at 25 per cent of said duties, and all merchandise coming from Puerto Rico into the United States shall likewise pay 25 per cent of existing duties. It is understood that the President and Cabinet have assented to this change. It is far better for domestic producers than free trade, but is bad in principle and will be worse in effect.

A PREMIUM ON FRAUDS AND TRUSTS.

The proposed measure offers a premium of 75 per cent upon smuggling into Puerto Rico from other countries, especially Cuba. Such a glittering bonus would induce the most flagrant frauds in the customs and the grossest imaginable corruption in Puerto Rico custom-houses.

Again, the sugar refiners' trust, tobacco trust, and the tropical fruit trust can easily manipulate matters so that they alone would benefit from the proposed 75 per cent reduction in tariff. Thus neither Puerto Rican producers nor domestic consumers would profit thereby, while domestic producers would be subjected to this tropical competition.

FOURFOLD DISCRIMINATION AGAINST AMERICAN PRODUCTS.

Again, the plan proposed unjustly discriminates against American exports to Puerto Rico. Three-fourths of the island's exports consist of coffee, which is already admitted free to this market, leaving only $4,000,000 of Puerto Rico's exports that are dutiable. The Dingley tariff averages 50 per cent of the value of dutiable imports, and one-fourth of this would be 12½ per cent. Now, 12½ per cent duties on Puerto Rico's $4,000,000 worth of dutiable exports would be $500,000. This is an average of only 3⅛ per cent on Puerto Rico's total exports of some $16,000,000.

But probably everything the United States exports to Puerto Rico would have to pay one-fourth of the Dingley rates, or an average of 12½ per cent ad valorem. In other words, American dairy produce, American breadstuffs, meats, etc., as well as manufactures, have got to pay on the average four times as much tax to get into Puerto Rico as Puerto Rican produce pays to get into the United States market.

This is an unjust discrimination that American producers will not submit to for an instant. The more so when they realize that it is done for the benefit of the sugar refiners' trust, the tobacco trust, and the tropical fruit trust, instead of being designed to foster the tropical market for domestic produce and merchandise.

WHAT SHOULD BE DONE.

All these difficulties would be at once wiped out by providing that all merchandise from Puerto Rico imported into the United States should pay same duties as from other countries, but admitting United States exports into Puerto Rico at only 25 per cent. As coffee constitutes three-fourths of Puerto Rican exports and is admitted free, the full rates of duty would thus apply only to one-quarter of Puerto Rico's exports. As practically all of Puerto Rico's products would then be shipped to the United States, the average duty collected on their total amount would be only 12½ per cent ad valorem.

This is exactly what United States merchandise would have to pay to get into Puerto Rico. Free coffee and full Dingley rates on other produce from Puerto Rico are thus exactly the same as 25 per cent of Dingley rates on United States merchandise shipped to the island.

PROFITABLE TO THE ISLAND.

Even after paying full duties on sugar and tobacco exported to United States Puerto Rican planters would make much larger profits than our American farmers. Not only that, but every dollar of revenue derived from these duties would be devoted to the government and regeneration of Puerto Rico. This policy would also avoid a dangerous precedent.

I also find the organ of the beet-sugar industry, the Beet Sugar Gazette, of February, 1900, publishing the following criticisms of and protests against the original bill, which provided for free trade with the island:

DID YOU SEE YOUR CONGRESSMAN YET?

The domestic sugar interests are on the threshold of a crisis. On the action of Congress at the present session their future prosperity depends to a great extent. There must be no confirmation of the so-called reciprocity treaties giving sugar a preferential duty, and there must be no precedent established whereby sugar can be afterwards admitted free from Hawaii, the Philippines, and Cuba. That is what it would mean to let Puerto Rico sugar in free.

Every beet-sugar man ought to make it his business to see his Congressman and Senator and set every influence in motion to secure a proper treatment of this important subject. Sugar factories can do much by agitating the matter among the farmers and securing their cooperation in bringing influence to bear on the Representatives at Washington. If the farmers will take the matter in hand and write to their Representatives, much good can be accomplished.

WHAT BECOMES OF "PROTECTION?"

A few years ago the name of McKinley was the shibboleth of the protectionists. It was the McKinley bill that gave him the boom which ended by his election to the Presidency. The attacks of free traders were directed upon him as the embodiment of the high-protection idea.

This wave carried him to the top. He was elected by a party committed irrevocably and absolutely to protection.

But, lo, the irony of fate! It is under his régime that the beginning is threatened to be made of breaking down the protective-tariff policy. Under a pretense of reciprocity a number of treaties have been concluded with the British West Indies, giving their sugar a reduction of 12 to 20 per cent, and it is proposed to admit sugar and all other produce from Puerto Rico free of duty to our markets. If this is permitted, it is the beginning of the breaking down of the protective tariff.

This journal does not care for party when the interests of the beet-sugar trade are at stake. Politics are to be avoided by trade papers. But this is an economic question, and the party that favors a policy favorable to the domestic sugar interests is the one to support. The Republicans have done this up to the present time. Are they going to drop the sugar interests now?

It may be well to remind them that by doing so they will hurt no one so much as the farmers, who are taking very kindly to this highly productive crop. The farmers are the mainstay of the Republican party. It can not afford to offend them. Let the Republican members of Congress think twice before they embark on a policy that will seriously impair the prosperity of the farmers in many of the strongest Republican States.

TO GOVERN PUERTO RICO.

Senator FORAKER has introduced in the United States Senate a bill supposed to embody the plan of the Administration for the government of Puerto Rico. It contains the following, among other provisions:

"Section 3 confers United States citizenship on all residents who were subjects of Spain on April 11, 1899, except such as elect to remain Spaniards on or before April 11, 1900.

"Section 5 extends Federal laws of commerce and navigation and provides for the naturalization of ships.

"Section 6 applies the Dingley law to imports from foreign countries and sets aside the customs revenues for the benefit of the island alone.

"Section 7 applies the general internal-revenue laws to Puerto Rico, without setting aside the revenue.

"Section 8 decrees absolute free trade between the island and the United States.

"Section 9 makes all expenditures payable by the local treasurer and relieves the United States of all liabilities.

"Section 10 extends the Constitution and all laws of the United States locally applicable to Puerto Rico."

Senator FORAKER, in an interview concerning the bill, said:

"There will no doubt be some objections to the provisions of the bill with respect to the tariff laws and internal-revenue taxes, but the products from that island which will come in competition with those of the United States are not enough in quantity or value to materially affect American interests, and even if they were the idea of the bill is that Puerto Rico has become a part of the territory of the United States, and it should be treated accordingly. The chief products of the island are coffee, sugar, and tobacco. Coffee is already admitted free of duty, and the total product of sugar of the island is not enough to affect seriously the price of the product in this country, while the same is true of tobacco, because it is of a different quality, and does not really compete with the product of tobacco in this country. These provisions are not incorporated in the bill, because it is thought our Constitution requires it, but only because it is good policy and in the best interest of all concerned."

Very good, Senator! "In the best interest of all concerned." In the best interest of the Puerto Ricans, no doubt, and of the sugar trust!

I also call attention to the testimony given by Mr. Oxnard, representing the sugar interests; Mr. Myrick, the beet-sugar producers, and Mr. Hill, certain tobacco growers of Connecticut, as found in the printed hearings before the Senate committee on the Foraker bill for the government of the island of Puerto Rico. They afterwards, or at least Mr. Hill, in his testimony, afterwards admitted that the amount of that competition would be so insignificant that it would have no effect on the price, but that he wanted a precedent established, so that the Philippine Islands could not come in under the same terms that we propose to admit Puerto Rico. I commend this to the attention and reading of gentlemen. I can not, therefore, but feel that in spite of the statements made in this report that the small production of sugar and tobacco will not affect the profits to the tobacco and cane and beet sugar growers of this country. Some of the members of that committee must, in the language of the Beet Sugar Gazette, "have been seen by their constituents."

IV. NECESSITY OF ESTABLISHING A PRECEDENT.

There are two arguments left which are advanced in behalf of this proposed discrimination. The first is that we must establish a precedent in the island by showing that we have and assert a right to discriminate, so as to avoid complications when we come to settle the question of tariffs for the Philippines and possibly for Cuba if it ever becomes a part of the United States. The circumstances surrounding the Philippines and Puerto Rico are very different, and a distinction may well be made between the tariff imposed in one and in the other. Puerto Rico came to us voluntarily and without bloodshed. She welcomed us with open arms. Her adherence to the United States during the Spanish war saved the loss, possibly, of many lives and the expenditure of millions of money. Her people welcomed the armies under Miles as deliverers and benefactors. They professed themselves ready to become peaceable and loyal citizens of this country, and their professions they have carried out with pride in their new citizenship and good faith in their transfer of allegiance. They are, as a whole, of a higher grade of civilization than the Filipinos. They are orderly, law abiding, and anxious for development. They rely upon the professions which were made to them by General Miles when he occupied the island and upon the recommendations of the President of the United States. If any people on earth deserve fair and considerate treatment at our hands it is the people of Puerto Rico.

Again, and another strong reason, it seems to me, why distinction may safely be made in our treatment of these two possessions is the fact that Puerto Rico is adjacent to the main body of our country, and that whatever laws as to the tariff or internal revenue we put into force will entail little or no expense of supervision or collection, as compared with what we shall have to bear in the Philippine Islands. The latter are remote; instead of being contiguous to our settled territory, they are remote and close to the continent of Asia. In the Philippines smuggling will be carried on successfully for years to come, a large force of revenue cutters will have to be stationed in the islands to cut off this illegal traffic, and the expenses of maintaining this service may properly be borne by the islands themselves. In the Philippines a standing army must be maintained for many years for the purpose of policing the islands and preserving order. This expense also would be a perfectly legitimate one to impose upon them. But that we may be compelled by reason of the peculiar conditions in the Philippines to impose burdens and restrictions upon its commerce and industries is no reason why we should impose burdens upon Puerto Rico to show our consistency. If, as we claim, the power to make all rules and regulations for the government of our territory is absolute in Congress, surely the power to discriminate as to what particular rules and regulations we shall apply to our various territories is equally within the discretion of Congress.

But it is said that this is the first of our new colonial possessions for which we are called upon to legislate, and in order to show our assertion of authority we must make an example of Puerto Rico; and that we are anxious to have a test case made before the Supreme Court to find out just what authority we have in legislating on our new possessions, and that we can use Puerto Rico for the purpose.

It is as if, doubtful how far I might go in disciplining one refractory son, I thrash an obedient one in the hope that if arrested a police magistrate may define to me just how far I may safely go in my parental castigation in the future. [Applause.]

Or, as an example and precedent to the Philippines to show them what we claim to have a right to do, as if we sent our well-behaved and obedient younger son supperless to bed, in order to set a precedent to our older and incorrigible son as to what he may expect.

We propose, in this way, to establish a precedent for the Filipinos, the unruly and disobedient, by disciplining and punishing Puerto Rico, the well-behaved and well-disposed.

V. NECESSITY FOR REVENUE.

The other argument that is used for this discriminating duty is the necessity for revenue for the government of the island, and the claim is made that there is no injustice in this discrimination, for the reason that the revenue which will be raised will be applied to the use of the island itself, and not for the general expenses of the Government. The fallacy of this argument, as well as its novelty, is easily seen from the fact that the principle that any particular territory shall be self-sustaining has never been applied in the history of the Government.

If the revenues of Puerto Rico under the same system of taxation as is imposed upon other portions of the United States are not sufficient to meet its expenditures, it would be far better to make up the deficit by an appropriation from the general revenues of the Government than to fasten upon the island a system which would burden its imports and its exports and leave it in a worse condition than it was under Spanish rule.

We have spent millions in relieving distress in Cuba, which is not now and never may be a part of our country. Can we not be at least as benevolent where our own possessions are concerned? Surely this is a case where charity ought to begin at home.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of Texas. I ask unanimous consent that the gentleman may be permitted to extend his remarks for ten minutes.

Mr. SHATTUC. May I ask my colleague a question?

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Ohio be permitted to extend his remarks for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SHATTUC. May I ask my colleague a question?

Mr. BROMWELL. Let me finish first, and then I will answer any question. This relief would not be needed beyond five years, and at the end of that time the island would be self-supporting and at the outside the deficiency would probably not exceed in any year $1,000,000.

If the gentlemen object to a donation of this money they surely could not object to its being loaned at a rate of interest, the same as our own bonds pay.

In that connection, I wish to call attention to the hearing before the Senate committee. General Davis, in his statement before this committee, said, in advocating a loan of $10,000,000:

As to the ability of Puerto Rico to secure thoroughly such a loan, say for ten or fifteen millions. I think it capable of easy demonstration.

The real estate of the island is worth $150,000,000. The island has no debt—a very fortunate circumstance.

He says further:

I do not recommend the guaranty by the United States of a loan for the island. It does not require it, for nearly 4,000 square miles of rich soil, inhabited by a million people, who have had an exterior trade averaging over $22,000,000, do not need a guaranty. The pledge of the island alone would be sufficient, as I am assured by financiers that investors would immediately subscribe for this loan at low interest the moment it was simply sanctioned by the United States.

Gentlemen, what does your State or what does my State do or what does your city or my city do when either wants to meet the expenses of its improvements? It negotiates a loan, it gives out its bonds, it gets its money, and when the bonds fall due it redeems them; and these islands could do the same thing. The gentleman says there is a sentiment against taking in those islands burdened with debt. Is there a city or State in this country but what is burdened with a debt, and for the same purpose Puerto Rico ought to be allowed to burden itself at this time? It has been claimed that General Davis is opposed to a levy of taxes on real and personal property and therefore favors the provisions of this bill. Let me read you what he does say in this regard:

If the island is to receive no direct benefit from customs and internal-revenue taxation, then the local expenditures must be provided for by property and income taxes as in the States of the Union; but under the existing conditions not one-quarter of the revenue needed to carry on local government, insular and municipal, can be collected through the present machinery and existing laws. The laws must be revised and the machinery set in motion.

There is nothing there to discourage the idea of devising a proper system of taxation on real and personal property.

But the gentlemen will say that the levying of this discriminating duty is less of a burden than the imposition of the internal-revenue law in its entirety, with free trade in exports and imports with the United States. The people of the island do not believe this. They are willing to take the burden of the internal-revenue laws with free trade in importation and exportation, and will be satisfied with this arrangement even if it should prove to be more burdensome than the one proposed in this bill.

VI. PUERTO RICAN MARKETS.

How does this bill comport with the belief that is prevalent in our country that Puerto Rico is to be a new market for our manufactured goods and food products? The vehicle and other manufacturers of my city and State, the shoe men of Massachusetts, the flour millers of the Northwest, the fishermen and lumber manufacturers of New England, and the cotton-goods makers of the South will hardly look with satisfaction upon a measure that restricts their trade and levies a duty upon their exports to this island, and the Republican party will make a most serious mistake if, after negotiating reciprocity treaties of all kinds by which many articles of commerce are admitted free into the United States with absolutely foreign nations and in direct competition with American productions and manufactures, it shall shut the door in the face of one of our own possessions and refuse it the benefit of even a quasi reciprocity.

Were the island prosperous and able to stand this burden, it might not be so objectionable; but, as a matter of fact, it is in a deplorable condition. Its principal crop, coffee production, has been practically wiped out of existence by the tornado of last August. As the Secretary of War says: "Two crops of tobacco are in the warehouses which the owners were unable to sell at prices equal to the cost of production." Its best market, that of Spain, with which country it practically had free trade prior to the breaking out of the Spanish war, has been closed against it by the prohibitive tariff which Spain has put into effect against the imports from the island since the treaty. Cuba, which took its tobacco and manufactured it up into cigars, has, under the sanction of our own Government, placed a barrier against further importations of that production. In short, its business is stagnated, its crops are either destroyed or unable to find a market, and its people are many of them in actual distress. Is this the reward which they had a right to expect when they welcomed Miles as their savior and deliverer from Spanish misrule?

The gentleman from New York, chairman of the committee, in his argument opening this debate, assumes and claims that the benefit of the free-trade provision will, first of all, accrue to the merchants who now have large stocks of tobacco on hand ready to be exported and afterwards to the planter, and says, "Would it not be fair that these people who get the greatest benefit should pay the expenses of the government?" But will the gentleman not admit that a properly devised scheme of taxation of real and personal property similar to what is levied in every State of the Union would reach these same persons in a far more satisfactory and equitable way?

A system of taxation upon the basis of the average monthly holdings and of the average monthly value of manufactured goods is in force in many States and operates fairly and satisfactorily. It could be levied upon such articles as we should designate and to any amount that we should deem proper and necessary for defraying the expenses of administering the municipal affairs of the island. The tax on real estate also would soon become a profitable source of revenue; for to my mind there is no doubt that American capital will be largely invested in the purchase and cultivation of lands devoted to the three great industries, coffee, sugar, and tobacco, and with the profits that may be made from these crops will come a large increase in land valuation, and it does seem to me that it would be far better if we were to devote our time to devising a proper system of taxation upon real and personal property and providing a scheme for their proper valuation and assessment than to pass the present bill, which is bound to create dissatisfaction and hardship, and leave the usual and most satisfactory basis of raising revenue practically untouched.

VII. PURE FOOD VS. FREE RUM.

The gentleman speaks pathetically of the necessity of permitting the poor people of the island to procure their rum at low prices and in abundance. It seems to me that it would be a great deal better for both the physical and moral condition of these people that they should be furnished with free flour and free pork than that they should be furnished with free rum. [Applause.] There are plenty of American citizens in this country, and some of the best, too, who would be glad to have the internal-revenue tax taken off of beer, which they consider as much of a necessity as the Puerto Ricans do their rum, and yet we maintain a tax of $2 a barrel upon its manufacture on the ground that we need this enormous tax for paying the expenses, partly at least, of the very war which brought the Puerto Ricans their freedom from Spain and their annexation to this country.

If we propose to elevate the condition of the Puerto Ricans by education and the building of schoolhouses, let us also contribute to their moral and physical development by giving them pure, good food instead of feeding them upon intoxicants. There is no danger that the manufacture of rum will cease in the island even with the additional tax. In many of our States the tax laid upon the traffic in liquor is applied to police and school purposes, on the theory that as intoxicating drinks are responsible for most of the crimes and misdemeanors which occur in civilized communities this traffic should be burdened as largely as possible with the maintenance and support of the agencies by which the evils may be lessened and communities protected against their baneful results. I for one would be far more in favor of the internal-revenue tax upon rum than the customs duties upon flour and pork.

What I have said as to the internal revenue on rum I repeat as to the internal revenue on cigars. The laboring man in the United States when he smokes his cheap cigar or his pipe of tobacco has to pay his proportion of the tax levied on their manufacture in this country. Why should not the inhabitants of Puerto Rico do the same?

If the specific rates of internal-revenue taxation upon Puerto Rican articles ought not to be as high as those levied upon similar articles in the United States, I see no reason why, under the general claim which the gentleman makes of our right to legislate as we choose, we may not make such changes in the internal-revenue laws as applied to that island as may be necessary to prevent disaffection among its people.

[Here the hammer fell.]

Mr. BROMWELL. I would like to have five minutes more.

Mr. CARMACK. I ask that the gentleman may be permitted to conclude his remarks.

Mr. RICHARDSON. The difficulty is we have given away the time. I do not object to the gentleman proceeding, but we have already given away the time that we have.

Mr. DALZELL. This time, of course, comes out of the other side.

Mr. RICHARDSON. The gentleman said he would extend his remarks after the twenty minutes.

Mr. BROMWELL. I did not suppose I was intruding upon the time, as there has been an indefinite extension on both sides.

The CHAIRMAN. Is their objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. BROMWELL. Mr. Chairman, I, as a Republican, am in favor of protection to American industries; and, as I understand that great Republican doctrine, it is based upon the theory that it destroys the competition between the low-priced labor of foreign countries and the living wages of the workmen of this country. It makes no attempt to equalize the wages paid in different States or in different portions of our own territory. The wages in the State of Ohio may be lower than those paid in Massachusetts, and those of New Mexico may be lower than those of Ohio, and yet the protective theory does not say that these inequalities shall be leveled and equalized by discriminating duty in behalf of one or against the other.

If merely for the purpose of proclaiming your right to legislate as you choose with respect to this island you deem it necessary to make any distinction in the tariff laws of the two countries, let it be shown by a modification of the internal-revenue law which shall relieve rather than increase the burdens upon the island. This means much to the people of Puerto Rico. It will

decide for us whether we shall have a peaceable, prosperous, and contented people in that island who will develop into a citizenship that is able to maintain and support itself without being a burden upon the country, proud of their connection with our great Republic, and ready, should it be assailed, to take their part in defending its flag and maintaining the integrity of its territory. On the other hand, let them be treated unfairly, let them conceive the idea that the American Government is treating them no better than they were treated under Spanish misrule, let them look with suspicion upon our promises and professions of friendship, and they will be ready to cast off their allegiance and join our foes whenever the opportunity presents itself. A monarchical government may well claim that "Might makes right," but how much more noble would it be for this great, free, and liberty-loving Republic to adopt the motto that the "Right is mighty and must prevail."

Now, I presume before this debate is concluded some gentleman on this side of the House will take the opportunity to inquire whether I have at all times and on all occasions supported the President of the United States against the opinions of certain members of this House; and I suppose the question will be asked, Was I not a reconcentrado when the question as to the policy with Cuba was up? I merely want to reply to that question and say that whenever any question has come before this House upon which the honest, sincere, and earnest conviction of any member was called for, I was ready to do my duty and to stand by those convictions. I was one of those who apparently were opposed to the policy of the President. I want to say that I had many associates at the beginning, although they in number dwindled down before the final vote was taken. Since that time I stated in a speech made on this floor that it would have been a mistake had my views upon that occasion gone into effect.

I believe that the President was right and that I was wrong, and I have frankly admitted it. But on this question I believe that the President was right when he sent his message here in December, and I do not believe, in all sincerity, that he has changed his opinion, whatever statements may be made on this floor, for I believe that deep down in his heart he has not changed his conviction when he sent his message that he would wish to give free trade to the island, and if he says now, "If I can not get a whole loaf I will take a half, and I would be glad to have my party hold together and do something in the line of legislation proposed," down deep in his heart I believe the President has the same tender consideration for the welfare of the island that he had when he penned his message; and believing as I do that it is in the best interests of Puerto Rico, believing as I do that it is the best interests of the Republican party of this country, believing that it is best for our nation at large, I shall honestly and conscientiously endeavor to have this bill go back to the committee. [Applause.]

Mr. HENRY of Texas. Mr. Chairman, occupying the time of my colleague from Texas [Mr. COOPER] on the Ways and Means Committee, I ask unanimous consent that I may be permitted to conclude my remarks, which shall not much exceed an hour, if they exceed an hour.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY of Texas. Mr. Chairman, we are now about to make the most radical departure in legislative enactments that the American Congress has ever undertaken.

This is a question that should rise above mere party politics and issues of expediency and address itself to the consciences and the enlightened judgment of every member of this House. A short while ago we annexed by treaty of cession to our territory the island of Puerto Rico, one of our neighboring islands, and only a short distance from our shores. When we took it into this nation as an integral part of our country we promised to them that they should become a part of this nation and should have all the rights of American citizens anywhere and everywhere in the United States.

The bill now proposed by the Ways and Means Committee is more damnable than the bill that was proposed by the English Parliament against the people who inhabited the colonies prior to 1776. When we took the Puerto Ricans into our territory they expected we would not discriminate against them, and our military officers and our civil officers led them so to believe. When Congress convened the President of the United States in his annual message used this language:

> It is our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

I believe that when the President sent that message to this House he sent it following the mandates of his conscience which led him to believe that these people were entitled to all the rights under the Constitution with which the people of the United States are endowed. For my part I do not believe that the President has changed his views on that question, no matter what assertion may come from the other side of the House. The gentleman from New York, the chairman of the Ways and Means Committee [Mr. PAYNE], when he read that language in the message of the President of the United States, hastily introduced a bill giving the inhabitants of Puerto Rico free trade with the United States. That gentleman, we must presume, was following the dictates of his conscience, which must have led him to believe that we should not discriminate against those people.

But why this change, this subsequent departure on the part of the Ways and Means Committee? In discussing this question we should deal candidly and fairly and honestly with the American people, and should not deceive them about this question. Being a member of the Insular Affairs Committee, I know that when the gentleman from New York introduced his bill giving to Puerto Rico free trade with this country the representatives of the sugar interests and the tobacco interests hovered and swarmed around the Committee on Insular Affairs and about the Ways and Means Committee, and said that the bill would be disastrous to their interests.

And yet the gentleman says that this measure is introduced in order that we may give the Puerto Ricans good free schools and give them the benefit of the revenue derived from this measure. When these representatives of the Puerto Rican people were before the Committee on Insular Affairs—and it is printed in the hearings—they stated that they were ready and willing to pay the internal-revenue tax that this Government levied upon all domestic articles. That tax would produce annually nearly $2,000,000. They were ready and willing to pay any tax that was paid by the Americans. They stated that they were able to do it, but the representatives of the sugar industry and of the tobacco industry led the members of the Ways and Means Committee to change their views, and this bill is introduced as a substitute only to appease them and protect them against the trade of this island, no matter how small it may be.

Mr. Chairman, if we are thus to discriminate against these people, if we are to say to them that they must bear taxes that are not imposed upon the American people, if we are to say to them that we withhold the Constitution and the laws of the United States from them, I here announce that we should tell them, "If you do not desire to come into this country as an integral part of the Union, you are entitled to your liberty, and shall have it upon the same grounds that we obtained ours in the struggle of 1776." [Applause on the Democratic side.]

They have a stronger case than we had prior to 1776. There are those people situated upon the beautiful island of Puerto Rico, near our own borders, peopled by a million of law-abiding, peaceable citizens, who desire to become a part of this country. Many of these people to-day are absolutely starving for the want of food, and the testimony from the military and civil officers of the United States in that island is that many of the people live absolutely upon nothing but bananas for food, and a little codfish, exported from this country. And upon this we have been levying a tariff and taxing them for it. Thousands and thousands of that million of people have not in their possession of this world's goods property to the amount of $5. Perhaps 90 per cent of these people are so poverty stricken that they have not the necessary food to eat or the necessary clothes to wear, and yet by this measure the American Congress proposes to levy against them a more damnable and more infamous measure than was ever proposed by the Parliament of England against the people of the American colonies.

We propose to deprive them of all rights of legislation. The American people contended that Parliament had no right to legislate for them because we were not represented in the English Parliament, and now we propose to refuse these people representation, and discriminate against them, and levy a tax that our people do not bear, and to withhold our Constitution from them.

Mr. Chairman, it will not be amiss to advert to one or two questions pertaining to our recent history. When we declared war against Spain, we avowed that it was for the sacred cause of humanity. In order that the world might understand our true reasons for intervention we stated them in this manner:

> The abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to civilization, culminating as they have in the destruction of a United States battle ship with 266 officers and crew while on a friendly visit in the harbor of Habana, and can not be longer endured.

For these reasons and these only we declared—

> That the people of the island of Cuba are, and of right ought to be, free and independent.

In order to demonstrate that greed for empire did not animate the American Congress we said:

> The United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

Mr. Chairman, I voted to intervene in behalf of the Cubans, but if I had known the result would be what it has been I never should have given my vote for intervention. And much as I sympathize with the Boers, who are struggling for their liberties in

South Africa, I would be afraid for the American Congress to intervene in their behalf for fear that in less time than the twinkling of an eye the President would place the United States in the same position with reference to South Africa that we are in to-day with reference to the Philippines, and would take their liberties away from the struggling Boers. When we had overwhelmed Spain good conscience and national honor required that the war should end under our resolutions. This question is one that appeals to nations as much as to individuals. A nation should strive to be honest as much so as an individual. Nations have long lives, and sooner or later this question will return to plague the American people.

The gentleman from Illinois [Mr. HOPKINS] in his argument yesterday stated that when the American colonies were freed from England all power was vested in a general government for the benefit of the people of those colonies; that it was wrested from England and was given to this general government for the benefit of all the people of the colonies in a consolidated form. This is supposed to be a republic of self-governing States; and when the power was wrested from the English Crown it did not go to a central government for the benefit of the people, but it went to the people of the respective colonies in this country, and all sovereignty was lodged in those people. And when the Constitution was formed, in 1789, all the power which the General Government has was delegated to it by the people of the respective colonies, where the sovereignty lodged after the successful struggle of 1776.

Heretofore the inhabitants of all the Territories that have been taken in have been guaranteed the right to come into the Union of States. No Democrat and no individual of any party for seventy-five years has questioned the constitutional power of Congress to acquire territory under the treaty-making power and war-making power. Nor do we question that power of Congress here to-day. Louisiana was ceded to this country in 1803, and when the governor appointed by the President took possession of that Territory at New Orleans he made this announcement to the inhabitants:

> The cession secures to you and your descendants the inheritance of liberty, perpetual laws, and magistrates whom you will elect yourselves.

And when the American flag went up the consent of those people was manifested by acclaims of joy and exultation.

What do we say to the inhabitants of Puerto Rico and the Philippine Islands and the other new possessions? The message is a sadly different one. What are the rights of the inhabitants of Puerto Rico and these new possessions? The gentleman from Pennsylvania [Mr. DALZELL], who argued that the District of Columbia was not in the United States and was not a part of the United States, says that a treaty made with a foreign country is equal in dignity to the Constitution of the United States and is *superior to* a law of Congress. Let us see if that is true. In support of that position he quoted the provision in the treaty which reads thus:

> The civil rights and political status of the native inhabitants of the territories ceded to the United States shall be determined by the Congress.

And the gentleman from Pennsylvania [Mr. DALZELL] argued that under that provision of the treaty the inhabitants of Puerto Rico were not citizens of the United States, and that a treaty was of equal dignity to the United States Constitution and superior to a law of Congress.

I am not surprised that this modern geographer, who would announce that the capital of the United States and the District of Columbia are not in the United States and are not a part of the United States, would take such a position. [Laughter and applause.]

These modern geographers, who contend that Congress, the creature of the Constitution, while sitting here and legislating for the people of the United States, is not situated in the United States or in any part of the United States, would assert any proposition. [Laughter and applause.]

Nor am I surprised that the gentleman from Pennsylvania [Mr. DALZELL], taking that position, should announce to the American Congress that he would not permit "a little old written instrument" like the Constitution to stand in the way of the passage of this bill.

What does the Supreme Court say upon that question? Let us read it, not for the benefit of the more intelligent members of this House, but for the benefit of gentlemen who make the declaration that a treaty is superior to a law of Congress.

In the case of the Cherokee Tobacco Company, reported in 11 Wallace, page 616, the Supreme Court says:

> It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of the instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress when in conflict is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. An act of Congress may supersede a prior treaty.
>
> In the cases referred to these principles were applied to a foreign nation.

And in the Head Money Cases (112 U. S. Reports) we find this declaration:

> But in this respect, so far as the provision of a treaty can become the subject of judicial cognizance in the courts of the country, they are subject to such acts as Congress may pass for their enforcement, modification, or repeal.

Observe these last words.

There are many decisions to that effect, notably: United States *vs.* McBratney (104 U. S. Reports), Taylor *vs.* Lawtom (2 Curtis), Ah Sing (18 Federal Reporter), Ropes *vs.* Clinch (8 Blatchford).

No matter what this treaty with Spain may have said, every inhabitant of the island of Puerto Rico is a citizen of the United States. [Applause.] Not only that, but every child born in Puerto Rico, in Hawaii, in the Philippines, and territory subject to the jurisdiction of the United States becomes an American citizen. For the benefit of the gentleman from Illinois [Mr. HOPKINS], who did not seem to remember it, the case of Wong Kim Ark, in 169 United States, is cited, where it was held that a Chinese child born of Chinese parents in this country became a citizen of the United States.

Mr. TAWNEY. But born in a State.

Mr. HENRY of Texas. My position is that the decision does not say any such thing. If he was born in the United States, he became a citizen of the United States.

Mr. TAWNEY. Was not that a fact, that that child was born in a State?

Mr. HENRY of Texas. This child happened to be born in California.

Mr. TAWNEY. Yes, in a State.

Mr. BURKE of Texas. Suppose he had been born in New Mexico.

Mr. HENRY of Texas. And I say that every child born in Puerto Rico is subject to the jurisdiction of the United States and becomes an American citizen.

The gentleman from Illinois [Mr. HOPKINS] also said that the case of Dred Scott has never been alluded to by a decision of the Supreme Court recently, and had never been approved, and from listening to his argument he led me to believe that he had not read a decision of the Supreme Court of the United States since the Dred Scott opinion was rendered. [Laughter and applause on the Democratic side.]

Take the same case in 169 United States, the Chinese case, which the gentleman from Minnesota has just learned something about, and it refers approvingly to the Dred Scott decision, rendered in 19 Howard. That is as late as 169 United States, and the opinions of the Supreme Court are full of references to that decision.

But now, what are the rights of the citizens of these new territories? Let us understand the question and meet the issues fairly. No Democrat has ever contended that the power of Congress over the Territories was not plenary, as the Supreme Court says, or that Congress did not have the right to legislate for the Territories of the United States. What we have contended for is that when Congress legislates for the Territories of the United States it is bound by the same limitations and restrictions of the Constitution that apply to it when it is legislating for the States of the Union. While we are legislating for the Territories we are exercising the functions of a National Legislature and of a State legislature combined, and in the capacity of a State legislature we can only do that for the people of the Territories which the legislatures of the respective States may do for the people of those States within the limitations of the Constitution of the United States.

It may elucidate the question here to refer to the debate between Mr. Webster and Mr. Calhoun in 1849, reference to which has already been made. Until that time no public man and no citizen of the United States doubted that the Constitution of the United States, in all of its suitable provisions, went to the Territories of the United States. Every act erecting Territories into a Territorial form of government recognized that to be the fact. But in 1849, when the question arose as to whether or not slavery could obtain in the newly acquired Territory of California, Mr. Webster and those who believed with him, in combatting the propositions of Mr. Calhoun and those who thought with him, held that the Constitution did not extend ex proprio vigore to the Territories of the United States.

That is not the question here before Congress. No one has contended that every provision of the Constitution extended to the newly acquired territories. Only those essential and appropriate provisions go there. Nor does every provision of the Constitution extend to a State that is duly admitted into this Union, for the reason that some of those provisions are not self-executing. Judicial districts must be created by act of Congress. Judges must be appointed and suitable laws must be enacted in order to apply to those new States. Never did Mr. Webster, the great constitutional lawyer from Massachusetts, contend that Congress had the absolute power to legislate for Territories, regardless of constitutional limitations.

Why did not the gentleman read all of Mr. Webster's speech on

that occasion? Here is what Mr. Webster said on the 24th day of February, 1849, in the Senate of the United States, when they voted him down on the proposition and extended the Constitution and the laws of the United States to the Territory of California. Mr. Webster said, and until this new school of thinkers has arisen no public man of any party has ever taken any other position:

I do not say that while we sit here to make laws for these Territories we are not bound by every one of those great principles which are intended as general securities for public liberty.

That was Mr. Webster's position, that whenever Congress undertook to legislate for the new Territories it was restricted and bound by the constitutional provisions that applied to them when they were legislating for the States.

He did say that California was not a part of the United States, just as the gentleman from Pennsylvania [Mr. DALZELL] argued in his speech the other day. In proving that the District of Columbia was not a part of the United States the gentleman from Pennsylvania [Mr. DALZELL] actually read the opinion of Hepburn *vs.* Ellzey (2 Cranch), holding that the District of Columbia was not a "State" of the Union. Did that opinion prove that the District of Columbia was not a part of the United States? This Hepburn-Ellzey case expressly holds that a resident of the District of Columbia, while not a citizen of a State, is a citizen of the United States.

I will not quote the language in the case of Loughborough *vs.* Blake, in 5 Wheaton, but simply state that in that case the direct question was whether or not the District of Columbia was a part of the United States, and the Supreme Court held that it was a part of the United States as much as any State in the Union, and Congress had the right to tax the inhabitants of the District of Columbia, to levy a direct tax against them.

Take the case of Insurance Company *vs.* Canter (1 Peters), and let us see what the Supreme Court decided there. Mr. Webster was counsel in that case. Standing at the bar of the Supreme Court he announced the doctrine that Florida as a Territory was not a part of the United States. What did the Supreme Court say? It answered him categorically, and said this:

The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupation until its fate shall be determined at the treaty of peace.

Now, mark this language, and you get the answer of the Supreme Court to Mr. Webster's proposition that Florida was not a part of the United States when it was ceded as a Territory:

If it be ceded by the treaty, the acquisition is confirmed, and *the ceded territory becomes a part of the nation to which it is annexed.*

That is the case of the Insurance Company *vs.* Canter, in 1 Peters, where the Supreme Court answered Mr. Webster and said that newly acquired territory was a part of the United States.

The case of Cross *vs.* Harrison is directly in point here. It refers to the California Territory. The court said:

But after the ratification of the treaty California became a part of the United States, or a ceded, conquered territory.

* * * * * * *

By the ratification of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress has passed to raise revenue from duties on imports and tonnage.

* * * * * * *

The sixty-third section, also, of that act, directing when tonnage duties were to be paid, became as operative in California after its cession to the United States as it was in any collection district.

* * * * * * *

Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last became a part of the consumption of the country, as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kind of goods, thus entering, by the retail sale of them, into competition with such goods and with our own manufactures and the products of our farmers and planters. The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States.

These last words are directly in point.

The opinion proceeds:

We will here briefly note those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument—that there was neither treaty nor law permitting the collection of duties—has been answered, it having been shown that the ratification of the treaty made California a part of the United States, and that, as soon as it became so, the Territory became subject to the acts which were in force to regulate foreign commerce with the United States, after those had ceased which had been instituted for its regulation as a belligerent right.

The gentleman from Pennsylvania [Mr. DALZELL] announced the doctrine to this House that the bill which provided for a Territorial government for the Territory of Louisiana did not give the inhabitants of that Territory the right of trial by jury. Again, I say that the members of this House and the people of the nation are entitled to more candor in the discussion of this great question. Let us look at that act of 1804. Here is the act erecting Louisiana into two Territories. The gentleman from Pennsylvania [Mr. DALZELL] announced to this House that the right of trial by jury was not guaranteed in this act. The bill was passed on March 26, 1804:

In all criminal prosecutions which are capital the trial shall be by jury of twelve good and lawful men of the vicinage, and in all cases, criminal and civil, in the superior court the trial shall be by a jury if either of the parties require it.

This is the act pertaining to the Territory of Louisiana, passed in 1804, providing for the government of that Territory.

Mr. RICHARDSON. Is that the act which the gentleman from Pennsylvania [Mr. DALZELL] said denied them the right of trial by jury?

Mr. HENRY of Texas. That is the act that the gentleman from Pennsylvania said denied the right of trial by jury.

Mr. BOUTELL of Illinois. Is not that provision which the gentleman has just read the provision for the Territory of Orleans?

Mr. HENRY of Texas. It is for the Territory of Orleans and Louisiana, which afterwards became Missouri.

Mr. BOUTELL of Illinois. The statement made by the gentleman from Pennsylvania [Mr. DALZELL] was that in the Territory of Louisiana trial by jury was not given. Now, if you will pass on to the second page, you will find the portion of that act providing for the government of the Territory of Louisiana says that the old laws shall prevail.

Mr. HENRY of Texas. Mr. Chairman, the gentleman evidently nas not read this act. It contains these other provisions, and we might as well discuss them now. Prior to 1849, when Mr. Webster and Mr. Calhoun had this discussion, no one ever doubted that the Constitution in all of its appropriate provisions extended to the Territories. They put in all their Territorial acts provisions like this, to "make assurance double sure:"

No law shall be valid which is inconsistent with the Constitution and laws of the United States.

And so with every Territorial act in the same language.

Thus it was recognized that the Constitution was there, and that it should be extended over the inhabitants of those Territories.

Not only that, but it provided that every officer of the United States appointed by the President to perform some function in those Territories should take an oath "to support the Constitution of the United States."

Yet the bill for the government of Puerto Rico reported by the Senate committee does not require a United States officer commissioned and paid by the United States Government to take an oath to support the Constitution of the United States. Such provision is in the very teeth of an express constitutional provision, Article VI, last clause. In every one of these acts, beginning with the ordinance of 1787, down until the present time, the Constitution was recognized as being in the Territories, and the right of trial by jury has been preserved inviolate. In 1787 the ordinance was entered into by the confederacy and the inhabitants of the Northwest Territory. At that time all of the States or colonies except Georgia and North Carolina had conveyed their public lands to the United States Government or to the confederacy. This language is found in the ordinance of 1787:

The inhabitants of the said Territory shall always be entitled to the benefits of the writ of habeas corpus and of trial by jury.

Then, when the Constitution was adopted, when North Carolina and Georgia had ceded their public domain to the United States Government, what did Congress do? So solicitous were they that the Constitution should apply to and extend to all the Territories as well as the States, they deliberately passed an act "to adapt the Constitution of the United States" to this ceded territory under the ordinance of 1787 and making the ordinance applicable to the Constitution of the United States. Here is the act of 1800 with reference thereto:

To adapt the same to the present Constitution of the United States.

And in every Territorial act, beginning with Mississippi in 1798, the people of the new Territories were guaranteed every right given by the ordinance. And from that good hour until the present time no one has ever denied that the Constitution applied to the Territories in all of its provisions that were self-executing and appropriate.

But another thing: In all of these Territorial acts, beginning with 1800, in the Territory of Indiana, nearly every provision of the Bill of Rights was incorporated into the act erecting these territories into Territorial forms of government. It has been written into their organic law and charter that they should have every right of the inhabitants of the States of this Union, and the ordinance of 1787 in express language was embedded in each Territorial act carrying all the chartered rights of American liberty. Not only that, it has gone further, and it has provided that no law passed by the local legislature shall be "inconsistent with the Constitution of the United States or the laws of Congress." And yet gentlemen on the other side would have Congress to pass a law that would permit the local legislature of Puerto Rico to pass a law in conflict with the Constitution of the United

States and of the laws of Congress under the plenary power to govern the Territories.

The old familiar case of Loughborough against Blake settles this question of whether or not a Territory is a part of the United States; but if it does not, there are other cases that are in point and settle beyond cavil the proposition that you have no such power as you are about to exercise.

The first case mentioned says:

The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts and excises" for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: "but all duties, imposts and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend.

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

Let me read this clause of the Constitution under which you say we are acting now:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

To lay and collect taxes. Where? Does the Constitution say in the States? Does it say in the Territories? Does it say in the District of Columbia? It gives Congress the power to lay this tax anywhere within the domain of the United States. By this bill you confess that you are taking the power to tax Puerto Rico, and yet you make this limitation apply to the States of the Union, and cause it to be more restrictive than the power to tax.

But all duties, imposts and excises shall be uniform throughout the United States.

You pretend that you have the power to tax anywhere, but that the limitation does not go to the Territories of the United States.

Here is another case in which Mr. Webster was counsel, and I call especial attention of gentlemen to this case. In 1846 the United States, by its military forces, had occupied Tampico, Mexico, and while it was under our military rule some merchants of Philadelphia imported goods from Tampico to Philadelphia, and the collector of the port of Philadelphia demanded the regular import duties charged under the tariff of 1846. Mr. Webster was counsel in that case, and he took the position that Tampico was a domestic port of the United States, and not a foreign port, and that the collector of Philadelphia had no right to collect the tariff duties of 1846.

The Attorney-General took the position that, so far as the United States were concerned, Tampico was a foreign country and was no part of the United States. There was the direct question involved whether this tariff duty could be collected if Tampico was a domestic port of the United States. That identical question was certified to the Supreme Court of the United States; and what did they say? The Chief Justice delivered the opinion, and it was the unanimous opinion of the court.

The question certified by the circuit court turned upon the construction of the act of Congress of July 30, 1846. The duties levied upon the schooner *Catherine* were duties imposed by this law upon goods imported from a foreign country, "and if at the time of this shipment Tampico was not a foreign port within the meaning of the act of Congress," answering the certificate of the lower court, they say then "the duties were illegally charged," and having been paid under protest, the "plaintiffs would be entitled to recover in this action the amount exacted by the collector."

Mr. Webster contended that it was a domestic port, and that the duties were not collectible. The Attorney-General contended that it was a foreign port. Mexico, or a portion of the same, was occupied by our military forces.

Mr. LONG. Will the gentleman allow me an interruption?

Mr. HENRY of Texas. Yes.

Mr. LONG. Will you please read from the brief of Mr. Webster in that case.

Mr. HENRY of Texas. Oh, if the gentleman has read it, it will be unnecessary for me to read it.

Mr. LONG. Did not Mr. Webster in that brief take the position that this clause of the Constitution did not apply to the Territories?

Mr. HENRY of Texas. He did not. He straddled that question, but said that Tampico was a domestic port. This opinion was rendered in 1850; the Canter case in 1828, when Mr. Webster contended that a Territory was not a part of the United States, and he did not desire to cross himself to that extent.

They decided that if Tampico was a domestic port, then to collect the duties would be a violation of section 8 of Article I of the Constitution, now under consideration. That was the question. What did the court hold? They held that, so far as the United States was concerned, Tampico was a "foreign port," and so far as the balance of the world was concerned, by reason of our military forces occupying it, such port was a domestic one and part of our country, but only while under military rule. What do they conclude? And it is probably well that I should read the language of the Supreme Court in order to state it with absolute correctness:

But in the distribution of political power between the great departments of this Government there is such a wide difference between the power conferred on the President of the United States and the authority and sovereignty which belong to the English Crown that it would be altogether unsafe to reason from any supposed resemblance between them either as regards conquest in war or any other subject where the rights and powers of the Executive arm of the Government are brought into question. Our own Constitution and form of government must be our only guide, and we are entirely satisfied that under the Constitution and laws of the United States Tampico was a foreign port within the meaning of the act of 1846 when the goods were shipped and the cargo was liable and paid duties charged upon them.

If it had been a domestic port of the United States, the plaintiffs would have recovered, and the Supreme Court would have held the duties were not collectible. If there is anything in precedent, that decision should be heralded throughout this country; it should be stated everywhere to all honest men. It is a case in point. It decides the very proposition that we can not discriminate against a new Territory and levy a different tax upon them from that which is levied in other parts of the country.

The chairman of the Ways and Means Committee [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Illinois [Mr. HOPKINS] contend that the power of Congress over the Territory is absolute, supreme, and plenary, and that we are not bound by any restrictions in the Constitution; that by virtue of the inherent power of the United States Congress we may legislate for the Territories without let or hindrance and not be molested by the Constitution. They contend that Congress can levy a tariff duty upon the products of Texas which go to Oklahoma, and the imports of Colorado which go into Arizona, and upon the goods and merchandise of those Territories which go into any State of this Union. That is the legal proposition, that by virtue of this inherent power which they say is vested in Congress we can go to that extent.

It is at least amusing to read what the Senate committee reported on this question and see to what extent they go in order that we may understand the difference between these constitutional lawyers:

But while this power of Congress to legislate for newly acquired territory does not flow from, and is not controlled by, the Constitution as an organic law of the Territory, except when Congress so enacts, yet as to all prohibitions of the Constitution laid upon Congress while legislating they operate for the benefit of all for whom Congress may legislate, no matter where they may be situated, and without regard to whether or not the provisions of the Constitution have been extended to them; but this is so because the Congress, in all that it does, is subject to and governed by those restraints and prohibitions. As, for instance, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; no title of nobility shall be granted; no bill of attainder or ex post facto law shall be passed; neither shall the validity of contracts be impaired, nor shall property be taken without due process of law; nor shall the freedom of speech or of the press be abridged; nor shall slavery exist in any place subject to the jurisdiction of the United States.

These limitations are placed upon the exercise of the legislative power without regard to the place or the people for whom the legislation in a given case may be intended; and for this reason they inure to the benefit of all for whom Congress may undertake to legislate, without regard to whether the provisions of the Constitution, as such, have been expressly extended to them. It is not, therefore, a denial of any of these personal privileges, immunities, and guaranties to withhold the extension and application of the Constitution of the United States. Their enjoyment does not depend on such action. Congress can not deny them.

Some statesmen somewhere must change their legal opinions on this question and revise their views. This is the report on Puerto Rico recently made to the Senate of the United States on the Foraker bill. And it is contended that by virtue of this clause in the Constitution we have all the power to legislate for the Territories.

Article IV, section 3, Constitution of the United States, says:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

They say that provision gives Congress sole power to legislate, without constitutional restrictions, over the Territories in the United States. Is that power any broader than this power in the Constitution?

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the government of the United States.

And every time the Supreme Court has touched that grant in the Constitution it has held that when Congress is legislating for the District of Columbia it must do so strictly within the limits of the Constitution. Is the grant in regard to the Territories any greater or more exclusive than the grant in regard to the District of Columbia? That clause with reference to the Territories was adopted simply for the purpose of giving Congress power to govern the Northwest Territory, which had been ceded to the United

States, and for no other purpose. But since that time the Supreme Court has carried the power further, and has said that either under that clause of the Constitution or by virtue of their right to acquire territory they have the right to govern the Territories. (Canter *vs.* Insurance Company, 1 Peters; Mormon Church *vs.* United States, 136 U. S.; Boyd *vs.* Thayer, 143 U. S. Reports; Murphy *vs.* Ramsey, 114 U. S. Reports.)

And in the case of Murphy *vs.* Ramsey, the court said:

> The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of Government, State, and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States. * * *

But gentlemen contend that under the treaty of the United States with Spain the inhabitants of Puerto Rico must be subjected to whatever is contained in that treaty. Here is another opinion of the Supreme Court, in the case of Pollard *vs.* Hagan (3 Howard). Mr. Justice McKinley, delivering the opinion of the court, said:

> It can not be admitted that the King of Spain could by treaty or otherwise impart to the United States any of his royal prerogatives, and much less can it be admitted that they have capacity to receive the powers and exercise them. Every nation acquiring territory by treaty or otherwise must hold it subject to the constitution and laws of its own government, and not according to those of the government ceding it.

Therefore, when territory is ceded to the United States, we take it subject to our Constitution and laws.

It will be useful to refer to one or two other clauses of the Constitution. Gentlemen contend that we have a right to pass any law we choose in regard to Puerto Rico. Suppose we pass the Senate bill in regard to Puerto Rico, and we therein provide for a local legislature in that island. Suppose we provide for judges and Federal courts in the island, and the President of the United States appoints a Federal judge or several Federal judges in the new districts created for the island. Suppose that the legislature of that island should pass a law conferring a title of nobility upon the Federal judge. Article I, section 10, of the Constitution provides against the passage of such a law. Would such an act be legal? Would gentlemen in attacking the validity of that act appeal to the laws of Congress when there is no law against such a thing, or would they appeal to the Constitution of the United States?

Suppose the Queen of England should confer upon a Federal judge in the island of Puerto Rico the title of Prince of Puerto Rico. In the absence of Congressional legislation in regard to that subject, would it be a legal act to accept such a title? Or suppose some other officer commissioned by the President of the United States and paid out of the Treasury of the United States should be called the Sultan of Puerto Rico. Would that be a valid act?

Mr. CARMACK. Does not the gentleman know that we have one sultan?

Mr. HENRY of Texas. Yes; we have one sultan, but not a near neighbor.

And we can make this same argument with reference to every inhibition of Article I, section 10.

Now let us take one or two other provisions of the Constitution. Gentlemen say that the power of Congress over the Territories is absolute. Now, suppose that the local legislature of Arizona or New Mexico should pass a law for the coinage of money and for the purpose of emitting bills of credit. Would gentlemen contend that such an exercise of power was in accordance with the Constitution and laws of the United States? They would quickly invoke that clause of the Constitution which says:

> No State shall * * * coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts.

And it would be held that such clause applies to the Territories of the United States, although the language is that "no State" shall do these things.

Mr. GAINES. Suppose the Territorial legislature should pass a statute declaring that our gold and silver money should not be a legal tender throughout that Territory. Would not such a law be unconstitutional?

Mr. HENRY of Texas. In answer to that question I will say that against such an exercise of power these gentlemen would not invoke the power of Congress or any law of Congress, but would invoke this clause of the Constitution which I have read, which says that no State shall do any of these things, and they would be correct in their position.

Suppose that the Territorial legislature of Puerto Rico should pass a bill of attainder, ex post facto law, or law impairing the obligation of contract, or granting any title of nobility, would gentlemen invoke any act of Congress to prove the invalidity of such legislation, or would they invoke the Constitution, which says that "no State" shall do any of these things? Or could Congress, with its "inherent" and "plenary" power, authorize the Territories of the United States to do these things? Suppose we should pass a bill saying that the Territories have the right to pass acts of this character and they did pass them, then anyone who should be affected by them would have a right to attack them in the courts as being unconstitutional, and his position would be sustained.

Now, I want to quote from one or two judicial opinions, portions which have not been quoted in this debate. The Supreme Court of the United States has decided that the inhabitants of the Territories are entitled under amendments 6 and 7 of the Constitution to the absolute right of trial by jury, and it has so decided over and over again. Take the case of Reynolds *vs.* The United States, in 98 United States Supreme Court Reports. Mr. Justice Waite, in delivering the opinion of the court, said:

> By the Constitution of the United States, amendment 6, the accused was entitled to trial by an impartial jury.

This case came up from the Territory of Utah, and the Supreme Court held that by virtue of amendment 6 of the Constitution the accused was entitled to the right of trial by jury while Utah was a Territory.

Mr. RAY of New York. May I interrupt the gentleman there?

The CHAIRMAN. Does the gentleman yield?

Mr. HENRY of Texas. I yield to the gentleman from New York.

Mr. RAY of New York. Of course he said that. He could not do anything else, because the section of the Constitution to which the gentleman refers had been enacted by the Congress of the United States for Utah, and it was applicable there as a law of the Territory of Utah, and he simply referred to it because it was a law of Utah and controlled in the matter.

Mr. HENRY of Texas. Oh, well, you say that Congress can enact the Constitution in the Territories, and I say that the Supreme Court said:

> By the Constitution of the United States, amendment 6, the accused was entitled to a trial by an impartial jury.

Mr. BAILEY of Texas. They did not say "according to the statute."

Mr. HENRY of Texas. They did not say "according to the statute," but "according to amendment 6 of the Constitution," which if the gentleman from New York [Mr. RAY] will take the trouble to read, he will find it is the one relating to trial by jury.

Mr. RAY of New York. Because it was enacted into a law applicable to the Territory.

Mr. GAINES. Will my friend from Texas yield?

Mr. HENRY of Texas. Yes; for a moment.

Mr. GAINES. A moment ago I called attention to the fact that if the Territory passed a law contrary to the Constitution of the United States, it would be invalid. Now, I desire to read from Gould and Tucker's Notes on the Revised Statutes on that point:

> A Territorial act which is contrary to the United States Constitution or the organic act is invalid without the disapproval of Congress and can not be ratified by the Territorial legislature.

Let me also read from case of Capital Traction Company *vs.* Hoff (U. S. Reports, 1898):

> The Congress of the United States, being empowered by the Constitution "to exercise exclusive legislation in all cases whatsoever," over the seat of the National Government, has the entire control over the District of Columbia for every purpose of government, national or local. It may exercise within the District all legislative powers that the legislature of a State might exercise within the State; and may vest and distribute the judicial authority in and among courts and magistrates, and regulate judicial proceedings before them, as it may think fit, so long as it does not contravene any provision of the Constitution of the United States. * * * It is beyond doubt, at the present day, that the provisions of the Constitution of the United States securing the right of trial by jury, whether in civil or in criminal cases, are applicable to the District of Columbia.

Mr. HENRY of Texas. That is true, and I was just coming to that case. From the ordinance of 1787 until the present hour the Congress has always undertaken to incorporate the Bill of Rights into all Territorial acts, and has recognized the Constitution of the United States as being there, and no one ever questioned that it obtained there until this good hour, and with all of these fundamental principles to which I have referred. And all Territorial acts have carried forward as their organic law the ordinance of 1787 as adapted to the Constitution by express enactment.

The power to legislate over the Territories is no broader than the power to legislate over the District of Columbia. What did the Supreme Court say in reference to right of trial by jury here? They did not put it upon a law of Congress. They put it upon the ground that—

> There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be legally deprived of the benefit of any of the constitutional guaranties of life, liberty, and property, especially of the privilege of trial by jury in criminal cases. (Callan *vs.* Wilson, 127 U. S.)

They did not put it upon the treaty of cession by Maryland or Virginia, but they put it upon the Constitution, and said that the inhabitants of this District had the right of trial by jury under that instrument.

Now, here is another case, and let me get through with these jury cases before taking up some other question. In the case of

Thompson *vs.* Utah (170 U. S.) Mr. Justice Harlan delivered the opinion of the court, and said:

That the provisions of the Constitution relating to the right of trial by jury in suits at common law—

Note the words—

apply to the Territories of the United States, is no longer an open question.

They say in that case that the provisions of the Constitution relating to juries apply to the Territories of the United States regardless of any act of Congress or any Territorial act.

Again, in the same opinion, they say:

It is equally beyond question that the provisions of the national Constitution relating to trials by jury, to crimes, and to criminal prosecutions, apply to the Territories of the United States, with the judiciary article, in regard to trial by jury, that the sixth amendment and the seventh amendment, which guarantee to the people of the States and the Territories the right of trial by jury, apply to those Territories. * * *

Assuming, then, that the provisions of the Constitution relating to trials for crimes and to criminal prosecutions apply to the Territories of the United States, the next inquiry is whether the jury referred to in the original Constitution and in the sixth amendment is a jury constituted as it is in common law, with twelve persons, neither more nor less. This question must be answered in the affirmative, because the Constitution extends the right of trial by jury to the Territories and applies it to them.

Ah, gentlemen, this Government was not founded to deal with real estate, or to deal with land. It was founded to deal with human beings, with persons, with individuals, and with their rights anywhere and everywhere, under all circumstances, whether they be in the States or in the Territories of this country. Here we have the decision of the Supreme Court, deciding that the right of trial by jury must be inviolate in the Territories.

Now, will the Supreme Court reverse these opinions? I do not believe they will, because, in my humble judgment, the rights of the inhabitants of these new possessions are surrounded and hedged about with a hundred more legal protections than we had in regard to the income-tax case. They will not uproot the decisions of a hundred years and hold that I may be a citizen of the United States, but that if my son goes to the island of Puerto Rico he ceases to be a citizen of the United States and becomes a mere serf or a dependent to our Government. [Applause on the Democratic side.]

Mr. NOONAN. This bill would hold the same thing as to you if you were to go there.

Mr. HENRY of Texas. And further, if any American citizen goes to the island of Puerto Rico or these new possessions, this bill denies him the right to invoke the Constitution of the Government which his fathers helped to found.

But the Government was framed for the benefit of persons and for individual rights, and not to adjust real-estate transactions.

Is there any other decision touching this question? Let us see. Take this case, and I challenge any gentleman to answer it. You have quoted it often on that side of the Chamber. In the case of National Bank *vs.* Yankton County (101 U. S. Reports) Chief Justice Waite, delivering the opinion of the court, said:

All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under authority of Congress.

Which is true.

The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as any State does for its municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities, but Congress is supreme.

To which we assent.

And for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

[Applause on the Democratic side.]

The Supreme Court has never in a single opinion varied from that doctrine. It has always said that when we undertake to legislate for those Territories we have plenary powers, but strictly within the limits of the Constitution. [Applause on the Democratic side.]

It is not a question of extending the Constitution and laws ex proprio vigore to those Territories, but it is a question of this House, which sits here as the creature of the Constitution, violating all the clauses of the Constitution when they legislate. That is the question. We do not ask that these laws go to Puerto Rico ex proprio vigore, or per se. No man who ever alleged himself or admitted himself to be a lawyer ever made any such contention as that. And there are several distinguished lawyers on the other side of this question, for they have already admitted it themselves in open court. [Laughter.]

We do not ask that the Constitution carry itself there, but we do say that when Congress, as the creature of the Constitution, is legislating for these people, that in every right which it has to legislate under the Constitution it is restricted by the limitations in that instrument and can not go beyond the bounds set by its creator.

Now I want to take up a question or two in regard to these new possessions and make my position and that of those who believe with me perfectly clear. The Democratic party has never been opposed to territorial expansion of the right sort. We believe that when we acquired Louisiana we exercised a constitutional power; we believe that it was a beneficent acquisition. What have we done with Louisiana? Under the treaty by which we acquired that magnificent territory we said:

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess. (Article 3.)

And so in the treaties of 1819 with Spain and 1848 with Mexico we used substantially the same language. And there was no change in terms until the year 1898, when this treaty was made with Spain. What else did these treaties provide with reference to the people and the Territories? That they should come into the Union of States. Not only that; every Territorial act, from the ordinance of 1787 until the last Territorial act was enacted by this body, provided that the Territories should come into the United States as integral parts of the Union, as sovereign States, whenever they had a certain population. Every treaty provided it and every Territorial act provided for the admission of those Territories as States.

Out of that magnificent Louisiana Territory the following States under the treaty and Territorial acts have been admitted: Arkansas, Missouri, Iowa, Nebraska, North and South Dakota, part of Minnesota, Kansas, Colorado, Montana, Wyoming, and Louisiana. Out of the Oregon cession of 1848 we carved the following magnificent States: Oregon, Washington, and parts of Montana and Wyoming. Out of the cession made by Mexico the following States were erected: California, Nevada, and parts of Colorado and Wyoming and the Territories of New Mexico and Arizona. And so we would have it—with every foot of territory annexed to this country—that ultimately they shall stand erect as sovereign States of this great American Republic, and not as mere colonies and dependencies to be governed by the whim of Congress and under the military rule of the President.

Now a new departure is proposed—that we shall acquire territory which shall become permanent Territories of the United States. And until the present time no statesman of any party has ever declared for such a thing as a permanent Territory.

What are the rights of the people who go to the Territories, and of the people who are born there, and the people who reside there? I am going to read just a line or two from the Dred Scott opinion, that portion which was agreed to by every member of the court and has never been overruled by any decision of the Supreme Court.

Chief Justice Taney said:

This brings us to examine what provision of the Constitution the present Federal Government, under its delegated and restricted powers, is authorized to acquire territory outside of the original limits of the United States, and what powers it may exercise therein over the person or property of a citizen of the United States while it remains a Territory and until it shall be admitted as one of the States of the Union.

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its Territorial limits in any way except by the admission of new States. That power is plainly given; and if a new State is admitted, it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State, and the citizens of the State, and the Federal Government. But no power is given to acquire a Territory to be held and governed permanently in that character.

It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

* * * * * * *

It may be safely assumed that citizens of the United States who migrate to a Territory belonging to the people of the United States can not be ruled as mere colonists, dependent upon the will of the General Government and to be governed by any laws it may think proper to impose.

The principle upon which our governments rest, and upon which alone they continue to exist, is the Union of States, sovereign and independent within their own limits in their internal and domestic concerns, and bound together as one people by a General Government, possessing certain enumerated and restricted powers, delegated to it by the people of the several States, and exercising supreme authority within the scope of the powers granted to it throughout the dominion of the United States. A power, therefore, in the General Government to obtain and hold colonies and dependent Territories over which they might legislate without restriction would be inconsistent with its own existence in its present form. Whatever it acquires it acquires for the benefit of the people of the several States who created it. It is their trustee, acting for them and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted.

That was sound reasoning then. It is sound reasoning and good law to-day and has not been overruled, and until the Supreme Court says that this Congress has the power to acquire territory and govern it as a mere dependency or colony, we are flying in the face of the Constitution and of the decisions.

Why the necessity of this legislation? Why put this unjust tax

upon the people of Puerto Rico, a law-abiding, peaceable citizenship, who are able to maintain a Territorial form of government better than the people of Hawaii, and as much able to do so as the people of Arizona and New Mexico. Why say that they shall not become a Territory as all other Territories have become? Only because of the fact that the sugar producers and the tobacco producers and manufacturers have come here to Washington and have alarmed the Ways and Means Committee, and now the chairman has not the candor to state that such was the reason of his change. This conduct is criminally reprehensible when you permit the sugar trust to bring in the 300,000 tons from Hawaii free and have actually turned over that island to this trust.

Mr. WHEELER of Kentucky. I beg the gentleman's pardon for interrupting him, but the gentleman said that some of the tobacco growers are here demanding that a tax be imposed upon Puerto Rico. I am sure that the gentleman desires to be fair, and as I represent what I believe to be the greatest tobacco district in the world, I desire to say that the tobacco growers of Kentucky have no desire on earth to discriminate against the citizens of Puerto Rico. I think he refers to the tobacco growers of Connecticut, New York, and Pennsylvania.

Mr. HENRY of Texas. The gentleman is entirely correct. I mean the manufacturers and tobacco growers of Connecticut, New York, Pennsylvania, and Florida. The sugar producers for the western part of the country and some of them from my own State ask for this bill, but I would see them damned before I would impose this iniquitous tax. [Laughter and applause on the Democratic side.]

Mr. GAINES. When were the tobacco men here before the committee, after this bill was framed?

Mr. HENRY of Texas. No; after the bill was introduced by the gentleman from New York for free trade with Puerto Rico. No, although Texans may come and appeal to me to give them this protection and impose this unjust tax, I would not for my good right arm give my consent to repudiate the grounds upon which we achieved our liberties in 1776. [Applause on the Democratic side.]

Long live the Republic! May the enlightened judgment of the American people speedily administer the punishment of death to this spirit of imperialism and Territorial aggrandizement. [Applause.] Long may the Constitution of this Republic of self-governing States, emblazoned upon our flag, extend to and protect every foot of American soil! May these emblems of liberty continue to shield and protect the rights of the inhabitants and citizens of the United States anywhere and everywhere! For when we forsake the ancient and democratic faith of absolute equality before the law for every individual who owes allegiance to this Government, the true spirit of republican institutions will be banished from this land. Then swiftly will the familiar lines of the poet become prophetically true:

> The star of hope shone brightest in the West,
> The hope of liberty the last, the best,
> That too, has set upon her darkened shore,
> And hope and freedom light up earth no more.

[Prolonged applause.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed joint resolution and bills of the following titles:

On February 17, 1900:

H. J. Res. 77. Joint resolution to provide for pay to certain retired officers of the Marine Corps.

On February 19, 1900:

H. R. 5288. An act relating to lights on steam pilot vessels.

On February 20, 1900:

H. R. 7739. An act to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899.

TRADE OF PUERTO RICO.

The committee resumed its session.

Mr. LONG. Mr. Chairman, the gentleman from Ohio [Mr. BROMWELL], who preceded the last speaker, made complaint against the Committee on Ways and Means. He said the committee had not taken into its confidence the members of the House before reporting the bill under consideration.

My service in this House has been very brief; my service on the Committee on Ways and Means has been much briefer, but I have always understood that it was the duty of a committee to examine a question submitted to it, to report by bill or otherwise, and when the report was made to the House, then the House was taken into the confidence of the committee.

The Committee on Ways and Means is now taking into its confidence the members of the House and informing them why it reported this bill. The gentleman is a member of the Committee on Post-Offices and Post-Roads, and there are pending before that committee many bills of great importance. That committee has reported many bills to this House, and it has not seen fit to take me into its confidence, neither has it consulted me on any bill or any report that it has made. I understand that it is not the province of a committee necessarily to consult with other members of the House as to what should be done, but to bring its bill before the House, explain the provisions, and then it is the duty of the House to amend it, to reject it, or to accept it. That is all that the Committee on Ways and Means wants you to do on this bill, and we are here to explain to you why we reported as we have.

The gentleman claims that this committee has not followed the policy of the President. I belong to the party of the President of the United States. I honor and respect him, and I would not knowingly champion any cause that is contrary to a policy that he might have, because I have confidence in his judgment. But the President of the United States, under the Constitution, submitted to the Congress of the United States this question of the regulation of tariff rates between this country and Puerto Rico. He did not recommend the extension of our customs laws over Puerto Rico. He did not say what the customs duties should be upon goods coming into Puerto Rico from other countries. He recommended in his message that we should legislate upon "the imposition and collection of internal revenue" and "the regulation of tariff rates on merchandise imported from the island into the United States."

Under that message, after a full and fair consideration of the question submitted to it, the Committee on Ways and Means brought in this bill, which regulates the rates to be charged on goods coming from foreign countries into Puerto Rico, on goods coming from Puerto Rico into the United States, and on goods coming from the United States into Puerto Rico. We did not think it wise to extend our internal revenue laws over Puerto Rico. The bill is here. It is for your consideration. It has for its object the raising of revenue for Puerto Rico.

A PRACTICAL QUESTION.

This is a practical question. We might as well meet it now as at a future time. Puerto Rico is in a deplorable condition. General Davis, the military governor, in his testimony before a committee of Congress, said that two-thirds of the current wealth of the island had been destroyed by the recent hurricane. The people need immediate relief. Revenues must be obtained from some source to pay the expenses of government and provide schools for a people nine-tenths of whom can not read or write.

Three courses are open: Bonds must be issued, an appropriation must be made out of the Treasury of the United States, or tariff duties must be imposed that will produce revenue sufficient to pay the expenses of government and establish the much-needed schools. The bill reported will produce sufficient revenue for these purposes. Absolute free trade between the United States and Puerto Rico would not.

We do not believe that an issuance of bonds should be authorized. The island is free from debt now. Let it remain so. We should not pay the expenses of government out of the United States Treasury. Puerto Rico should be self-supporting. There is no oppression of its people when all the net revenues received there and all the gross revenues collected here on her products are to be expended for the benefit of the people of the island. Under the bill mutually beneficial trade relations will be established between Puerto Rico and the United States, and in a few years the people of the island will appreciate the benefits that have come from the laws enacted for their government.

No reasonable objection can be made to the bill presented by the majority on the ground that it is not good legislation, adapted to the needs and wants of Puerto Rico. Our internal revenue laws are not extended to the island, for those laws would increase the burdens; and what the people want is immediate relief, not increased burdens for the future. On all merchandise coming into Puerto Rico from foreign countries other than the United States the duties are the same as those of the Dingley law. On articles coming into the United States from Puerto Rico and into Puerto Rico from the United States 25 per cent of these rates is imposed.

In this debate no criticism has been made on the bill as a revenue-producing measure. I call attention to the statement signed by the gentleman from Massachusetts [Mr. MCCALL], one of the dissenting members of the committee. He says:

> The pending bill is, in my judgment, a well-considered measure from a fiscal standpoint, and is likely to produce a sufficient revenue.

We have presented a tariff for Puerto Rico suited to the needs and wants of that island, and if we are powerless under the Constitution so to legislate, we should ascertain that fact at the earliest possible moment. Later on we will be called upon to legislate for the Philippines, and no one claims that our customs laws

and internal revenue system are adapted or suitable to those islands. Can we give them a system of taxation that is suitable to their wants and needs, or will we be so restricted that we must give them a system unsuitable to their conditions and inapplicable to their wants? The sooner we understand our helpless condition—if we are indeed helpless—the better it will be for them and the better it will be for us.

THE MINORITY NOT IN ACCORD WITH THE PRESIDENT.

The minority and the majority of the committee differ on several propositions. The minority contends that we can not acquire territory except for the purpose of forming it into States. The majority insists that the power to acquire territory is unlimited and unrestricted. We believe that this is a sovereign nation, with the power to acquire territory either by treaty, conquest, or discovery. We believe that in legislating for acquired territory we are acting under that provision of the Constitution which grants to Congress the power to make all needful rules and regulations respecting the territory belonging to the United States.

The minority insists that Puerto Rico and the Philippines are part of the United States. The majority believes that these islands are not a part of, but belong to, the United States. The minority holds that if we continue to retain Puerto Rico and the Philippines it is with an implied pledge or promise that they are finally to be admitted as States. We claim that there need be no such understanding, but that in all honor we must give them good governments that will protect life and property, and that they may continue to belong to the United States without any hope or expectation of finally being admitted into the Union of States.

The gentlemen on the other side of this House claim that they agree with the President of the United States in dealing with these possessions that have come to us as the result of the treaty with Spain. I want to call the attention of gentlemen on the other side to the fact that the President believes Congress has the power to regulate the rates to be charged on goods coming from Puerto Rico into the United States. You take the position that Congress has no such power; that by virtue of the acquisition of the islands, they are a part of the United States, entitled to all the rights and privileges that the people of the States have, and that we are powerless to give them a different revenue system from that which we have ourselves. You claim that we can not regulate the rates to be charged between Puerto Rico and the United States.

You claim that it is not a question of what kind of a bill this is. The question is whether any kind of tariff rates can be maintained between the United States and Puerto Rico. You question our power to enact this bill into law under the Constitution, and on that proposition gentlemen on the other side do not represent the position of the President of the United States or the Administration.

I read from the report of the Secretary of War:

> The people of the ceded islands have acquired a moral right to be treated by the United States in accordance with the underlying principles of justice and freedom which we have declared in our Constitution, and which are the essential safeguards of every individual against the powers of government, not because those provisions were enacted for them, but because they are essential limitations, inherent in the very existence of the American Government. To illustrate: The people of Puerto Rico have not the right to demand that duties should be uniform as between Puerto Rico and the United States, because the provision of the Constitution prescribing uniformity of duties throughout the United States was not made for them, but was a provision of expediency, solely adapted to the conditions existing in the United States upon the continent of North America; but the people of Puerto Rico are entitled to demand that they shall not be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without compensation; that no law shall be passed impairing the obligation of contracts, etc., because our nation has declared these to be rights belonging to all men.
>
> Observance of them is a part of the nature of our Government. It is impossible that there should be any delegation of power by the people of the United States to any legislative, executive, or judicial officer which should carry the right to violate these rules toward anyone any where; and there is an implied contract on the part of the people of the United States with every man who voluntarily submits himself or is submitted to our dominion that they shall be observed as between our Government and him, and that in the exercise of the power conferred by the Constitution upon Congress, "To dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," Congress will hold itself bound by those limitations which arise from the law of its own existence.

THE RULE OF UNIFORMITY.

The minority claims that we are placed in this unfortunate condition in respect to this legislation by section 8, Article I, of the Constitution, which is as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States.

This section gives Congress power to establish direct and indirect taxation. The "taxes" here referred to are conceded to be direct taxes, and section 2 of the same article provides that direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers. Section 9 provides that no direct tax shall be laid unless in proportion to the census or enumeration directed to be taken.

Direct taxes must then be apportioned according to the population; and duties, imposts, and excises must be uniform throughout the United States. There was evidently a purpose in thus requiring direct taxes to be governed by the rule of apportionment and indirect taxes to be governed by the rule of uniformity.

Congress has power to lay and collect direct and indirect taxes, and this power is unrestricted. The limitations of this power as to indirect taxes only extends throughout the United States. A direct tax may be levied only in the States, or it may include the District of Columbia and the Territories.

Chief Justice Marshall, in Loughborough *vs.* Blake (5 Wheaton, 323), said:

> If, then, a direct tax be laid at all, it must be laid on every State, conformable to the rule provided in the Constitution. Congress has clearly no power to exempt any State from its due share of the burden. But this regulation is expressly confined to the States, and creates no necessity for extending the tax to the District or Territories.

It therefore is not necessary, in order to make a law laying direct taxes valid, that it should be extended to the Territories. If a State is omitted from the law, it would be unconstitutional. The Territories and District of Columbia may be omitted, and yet the law be valid. The only requirement is that if the District and Territories are included in a scheme of direct taxation, the taxes must be apportioned according to population. This arises from the prohibition on Congress against laying any capitation or direct tax unless in proportion to the census or enumeration. No such prohibition is contained in the Constitution in laying indirect taxes. The only requirement is that they shall be uniform throughout the United States.

THE "UNITED STATES."

The term "United States" has two meanings. In its geographical sense it refers to all the States and Territories, districts, and possessions where the authority of this Government extends. In another sense it refers to the States united, which are the source of all power and government. In this restricted sense it is used in the Constitution. "We, the people of the United States," in the preamble of the Constitution, refers to the people of the States, not of the Territories. The Congress of the United States is composed of Senators and Representatives from the different States. The President is selected by the people of the States, and the judicial power of the United States is derived from the States and not from the Territories.

It has been decided that neither a Territory nor the District of Columbia is a "State" within the meaning of the Constitution. In New Orleans *vs.* Winter (1 Wheaton, 91), Chief Justice Marshall said:

> It has been attempted to distinguish a Territory from the District of Columbia, but the court is of opinion that this distinction can not be maintained. They may differ in many respects, but neither of them is a State in the sense in which that term is used in the Constitution.

If neither the District of Columbia nor a Territory is a "State," how can a Territory be one of the United States? The United States are a union of the States.

But it is not so much my purpose to discuss the constitutional question involved, because that has been very ably discussed already, but I want to call attention to some of the things that have been done in this country in relation to the territory belonging to the United States.

This is not a new question. We may think it is, because it has not been up for consideration in a generation, but it is as old as the Government itself, and the question as to how we should proceed in this emergency can be best determined by looking into the way and manner in which the fathers, who helped to make the Constitution, proceeded to govern the territory belonging to the United States.

HOW WE HAVE GOVERNED ACQUIRED TERRITORY.

There is no one question more definitely determined in our Constitution than that we must have an entire separation of the judicial, executive, and legislative powers of the Government. The legislative power is conferred on the Senate and House of Representatives, which compose the Congress. Congress does not have judicial power. Congress does not have executive power. Executive power is lodged in the President of the United States. The President does not have legislative power; laws lodging legislative power in the President of the United States have been declared unconstitutional, because it can not be so imposed. The courts can not be given legislative or executive power within the United States, where the Constitution is supreme.

Now, how did the men who helped to form the Constitution deal with the territory belonging to the United States?

The first is the act of October 31, 1803, in relation to Louisiana. In that act Congress provided:

> That all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

That power, all of it—executive, judicial, and legislative—was lodged in one person, in the governor of Louisiana—a thing that could not be done in the States under the Constitution.

Let me call attention to section 12 of the act of March 26, 1804, for the government of the district of Louisiana, keeping in mind, if you please, that under the Constitution the legislative, executive, and judicial power must be kept separate. All admit that.

The executive power now vested in the governor of the Indiana Territory shall extend to and be exercised in the said district of Louisiana. The governor and judges of the Indiana Territory shall have power to establish in the said district of Louisiana inferior courts and prescribe their jurisdiction and duties and to make all laws which they may deem conducive to the good government of the inhabitants thereof.

Section 3 of the act of March 3, 1805, confers upon the governor and three judges of the Territory of Louisiana all legislative power. It reads:

The legislative power shall be vested in the governor and in three judges, or a majority of them, who shall have power to establish inferior courts in the said Territory and prescribe their jurisdiction and duties, and to make all laws which they may deem conducive to the good government of the inhabitants thereof.

In both these instances the governor, the executive officer, the judges, the judicial officers, together made the laws. Could that be done under the Constitution of the United States? Will gentlemen contend that it is possible so to combine in the same person or persons the power to make laws, to adjudicate laws, and to execute laws? It can not be done under the Constitution of the United States; and the fact that it was done in Louisiana shows that the men who did it, under the leadership of Thomas Jefferson, believed that they were not bound by the limitations of the Constitution in legislating for the Territory belonging to the United States. [Applause on the Republican side.]

RIGHT OF TRIAL BY JURY.

But we have other evidence as to what they thought about this question of the Constitution being in force in the Territories. There has been some discussion on the question of the right of trial by jury. You are all familiar with that provision of the Constitution which provides for the right of trial by jury in cases involving more than $20. Does that apply in a Territory unless the provisions of the Constitution have been extended to that Territory?

Notice the provisions of the two acts to which I have referred. The language is identical in each act. It is found in section 12 of the act of March 26, 1804, and in section 3 of the act of March 3, 1805. Both these acts were approved by Thomas Jefferson, author of the Declaration of Independence and father of the Democratic party. This provision is as follows:

In all civil cases of the value of $100 the trial shall be by jury if either of the parties require it.

"Twenty" dollars, says the seventh amendment to the Constitution, that had been adopted but a few years before this provision was enacted into law. Those who helped to make the Constitution said that a jury could only be demanded in Louisiana cases wherein $100 was involved.

Mr. GAINES. Will the gentleman pardon me?

Mr. LONG. Certainly.

Mr. GAINES. Even now can not the parties waive their right to jury trials in civil cases and then that ordinance could not possibly abrogate the Constitution? [Laughter.]

Mr. LONG. I am sorry that the gentleman did not pay attention to what I said before he asked his question.

Mr. GAINES. I thought I understood the gentleman to say that ordinance was approved by Mr. Jefferson and that the law was approved by him.

Mr. LONG. It was.

Mr. GAINES. And you say that was his idea of a jury trial? Now, I ask if either party, even now, can not waive his right of trial by jury in civil cases?

Mr. LONG. I will read it again for your benefit.

Mr. GAINES. All right.

Mr. LONG (reading)—

And in all civil cases of the value of $100 the trial shall be by jury if either of the parties require it.

Of course they could waive it, but if either party required it they could have a jury in cases where $100 or more was involved. Now, the amendment to the Constitution adopted a few years before this time provided for the right of trial by jury in cases of $20.

Mr. GAINES. All right. Now, do you contend that that statute abrogated the Federal Constitution or robbed the party of his jury rights? [Laughter.]

Mr. LONG. Why, my friend——

Mr. GAINES. I ask for your opinion. Of course I understand that it could not.

Mr. LONG. Certainly I do not. I said, and I say again, that where the Constitution of the United States is in force this provision would be unconstitutional.

Mr. GAINES. Exactly.

Mr. LONG. And the fact that the fathers of the Constitution, the men who helped to make it, put a provision in these laws that were approved by Thomas Jefferson providing that in cases of $100 and over only could a jury trial be demanded shows conclusively that they believed that when legislating for the territory belonging to the United States they were not limited by the provisions of the Constitution. [Applause on the Republican side.]

Mr. GAINES. Were they right or wrong in that matter?

Mr. LONG. They were right and you are wrong.

Mr. GAINES. Do you contend that that was a valid statute?

Mr. LONG. If the gentleman will wait a few minutes, I will call his attention to what was done in Florida when that great American whose ashes now repose in the district that he represents gave his views on this very question here involved.

Mr. GAINES. I am always willing to stand by anything Andrew Jackson did, and everybody on this side is. He always stood by the Constitution.

Mr. LONG. I will refer to what he did a little later on.

In proof of the fact that statesmen, many of whom were members of the Constitutional Convention, considered that the Constitution did not extend to newly acquired territory of its own force, but that it required an act of Congress to place it there, I refer to the following amendment that was offered by Mr. Montgomery in the House of Representatives to the bill establishing a government in Florida:

And be it further enacted, That all the principles of the United States Constitution for the security of civil and religious freedom, and for the security of property, and the sacredness of rights to things in action; and all the prohibitions to legislation, as well with respect to Congress as the legislatures of the States, be, and the same are hereby declared to be, applicable to the said territory as paramount acts.

After full debate this amendment was rejected.

ANDREW JACKSON IN FLORIDA.

Now I am coming to a point that I hope will interest the gentleman from Tennessee. Congress, on March 3, 1821, passed a law providing that all the military, civil, and judicial powers then exercised by the officers of the existing government of Florida should be vested in such person or persons as the President should direct. Under the authority of this act President Monroe appointed Andrew Jackson governor of Florida.

On the 18th of May, 1821, the President also appointed Elegius Fromentin judge of the United States for West Florida and part of East Florida, and authorized and empowered him to execute and fulfill the duties of his office according to the Constitution and laws of the United States. The only laws extended by Congress over Florida were the revenue laws and those forbidding the importation of people of color. Andrew Jackson went down there and under his commission claimed full legislative, judicial, and executive power. In the exercise of his authority he came into conflict with the Spanish ex-governor of the Territory over a question of the possession of some papers relating to the title to land. The ex-governor refused to give them up, and General Jackson, proceeding in the manner in which he was accustomed to proceed, sent an officer, who took possession of the ex-governor of the Territory and put him in jail. The officer searched the house and took the papers. The ex-governor, believing that Florida was a part of the United States, taking the same position that is taken by the Democratic members of this House, applied to Judge Fromentin for a writ of habeas corpus, and the judge granted the writ. But the writ did not release the Spanish ex-governor; and Judge, Governor, Legislator, General Andrew Jackson proceeded to cite Judge Fromentin before him for contempt by issuing the following order:

Elegius Fromentin, esq., will forthwith be and appear before me to show cause why he has attempted to interfere with my authority as governor of the Floridas, exercising the powers of the captain general and intendant of the island of Cuba over the said provinces, respectively, in my judicial capacity as supreme judge over the same, and as chancellor thereof, having committed certain individuals charged with a combination to secrete, and with having attempted to secrete and carry out of the territories ceded to the United States, the evidence of individual right to property within the said territories, which has been secured to each individual under the second article of the late treaty with Spain, and in open contempt of the orders and decrees made by me.

And that the said Elegius Fromentin, esq., be and appear before me, at my office, at 5 o'clock p. m., in Pensacola, to make known the above cause, and to abide by and perform such order and decree as the undersigned may of right deem proper to make of and concerning the same.

Given under my hand at Pensacola, this 23d day of August, 1821.

ANDREW JACKSON,
Governor of the Floridas, etc.

The question at issue was whether the judge had authority to issue the writ of habeas corpus. In a letter to the Secretary of State the judge explained the position of General Jackson:

But again, says General Jackson, the writ of habeas corpus is not extended by law to this Territory, and I must confine myself to the jurisdiction given by the act of Congress in the only two cases mentioned in the act, to wit, the revenue laws, and the importation of people of color.

That is what General Jackson believed, and I submit it in all candor to the members on the other side of this House as good authority. [Laughter and applause on the Republican side.]

The controversy between General Jackson and Judge Fromentin was finally submitted to the President of the United States,

and the decision of the President is contained in the following letter of John Quincy Adams, Secretary of State, directed to Judge Fromentin:

DEPARTMENT OF STATE, *Washington, October 26, 1821.*

SIR: I have had the honor of receiving your letters of the 20th, 26th, and 28th August, 6th, 8th, and 21st September, with their respective inclosures; all of which have been submitted to the President of the United States.

I am directed by him to inform you that the laws of the United States relative to the revenue and its collection and those relating to the slave trade, having been the only ones extended by act of Congress to the Territories of Florida, it was to the execution only of them that your commission as judge of the United States was considered and intended to apply. The President thought the authority of Congress alone competent to extend other laws of the United States to the newly acquired Territories; nor could he give to the judge a jurisdiction which could only be conferred by them.

There being an essential difference between the nature of the powers heretofore exercised by the Spanish authorities in those provinces, which were continued in force by the act of the 3d of March last, until the end of the next session of Congress, unless a temporary government should be sooner established over them, and of the laws of the United States, which were extended to those provinces by that law, the President considered it his duty to intrust the execution of each branch to officers specially appointed for the purpose. In the execution of those laws, in your judicial capacity, the governor has been informed that you are considered amenable only to the Government of the United States.

In the different view which you have taken of the subject, he is pursuaded that your motives and intentions were entirely pure, though he deeply regrets the collision of authority and misunderstanding which has arisen between the governor of the Territory and you.

I have the honor to be, etc.,

JOHN QUINCY ADAMS.

The gentleman from Nevada [Mr. NEWLANDS] the other day said he thought our revenue laws and the Constitution as well were in force in Puerto Rico. President Monroe, through John Quincy Adams, as Secretary of State, said he thought it was in the power of Congress alone to extend the laws over acquired territory. Here is volume 2 of the Annals of the Seventeenth Congress, first session—I have it marked at several places, and I want to call attention to a few things, and I hope the gentleman from Tennessee [Mr. GAINES], who has such a high regard for General Jackson, will read this book fully and completely, for in it he will find on a certain page a proclamation by Andrew Jackson, as governor of the Floridas, the executive officer of the Territory. Further on he will find an opinion on a judicial question involving the title to land, signed by Major General Andrew Jackson, governor of the Floridas, etc., and John C. Mitchell, esq., sitting as the supreme court of judicature. And later on he will find some ordinances passed by Andrew Jackson in his legislative capacity. [Laughter and applause on the Republican side.] These ordinances remained in full force and effect, except a few that Congress did not like, for you will find an act of Congress repealing certain ordinances passed by Andrew Jackson when he was sitting as the legislature. [Laughter.] The following is the first section of the act of Congress of May 7, 1822:

Be it enacted, etc., That an ordinance numbered three, made and passed on the eighteenth of July, eighteen hundred and twenty-one, by Major General Andrew Jackson, governor of the provinces of the Floridas, entitled "An ordinance providing for the naturalization of the inhabitants of the ceded territory;" and an ordinance passed by the city council of St. Augustine, on the seventeenth October, eighteen hundred and twenty-one, imposing and laying certain taxes on the inhabitants; and all other laws, ordinances, or resolves, so far as they enforce or confirm the same, be, and the same are hereby, repealed, and declared null and void.

Mr. GAINES. It took all Congress to overrule him.

Mr. LONG. You are right, it did. Do you mean to say that Andrew Jackson—and I think he could come as near it as any other man in our history—under the authority of the Constitution could act as an executive, judicial, and legislative officer in the United States?

Mr. GAINES. I mean to say this, that Andrew Jackson never swerved from his duty, whatever it was. [Laughter on the Republican side and applause on Democratic side.]

Mr. LONG. That is what I say, and that is the reason why I appeal to the record made by Andrew Jackson to show that your present attitude is wrong.

Mr. HOPKINS. The gentleman from Tennessee [Mr. GAINES] will vote with us now. [Laughter.]

Mr. LONG. He will if he proposes to stand by Andrew Jackson.

EXTENSION OF THE CONSTITUTION AND LAWS.

The question as to whether the Constitution extends to the Territories of its own force was the occasion of a great debate between Calhoun and Webster in the Senate in 1849. Calhoun contended that it did, Webster that it did not.

At the close of the debate, after these great statesmen had concluded, there arose another statesman, who in a later day had almost as much influence over the American people as had either John C. Calhoun or Daniel Webster. I refer to Stephen A. Douglas. He stated his views on this extension of the Constitution:

Mr. President, I have not many words to say on the question which has been occupying the attention of the Senate. Whether Congress has or has not the power to extend the Constitution over California, I shall vote for the proposition to extend the Constitution over that country. I believe we have the power to extend it in all its parts over that country. I believe, furthermore, that we have the same power to extend the Constitution over a country that we have to bring a country inside of it.

Mr. Benton (Thirty Years in the United States Senate, volume 2, page 713) has this to say in regard to the doctrine advanced by Calhoun:

A new dogma was invented to fit the case—that of the transmigration of the Constitution (the slavery part of it), into the Territories—overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory. Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress; failing in those attempts, the difficulty was leaped over by boldly assuming that the Constitution went of itself—that is to say, the slavery part of it.

History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself—not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress.

The doctrine of Mr. Calhoun, however, was finally indorsed by the Supreme Court of the United States in the Dred Scott decision. This decision carried the doctrine of a self-acting extension of the Constitution to its legitimate conclusion. The Missouri compromise was declared unconstitutional as being beyond the power of Congress in dealing with acquired territory. The Dred Scott decision brought on the war, but it was overruled and reversed at Appomattox, and since that time it has not been quoted by any court as authority. It has been permitted to slumber undisturbed for more than forty years until it was brought forth by the minority of the committee as authority for the position that it has assumed on this bill.

Our position is that held by the Republican party since its birth. In 1860 Abraham Lincoln was elected President on a platform that contained this plank:

That the new dogma, that the Constitution, of its own force, carries slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency and subversive of the peace and harmony of the country.

We follow Abraham Lincoln; the minority follows John C. Calhoun.

Congress has evidently agreed with Mr. Douglas, for on September 9, 1850, when the Territories of New Mexico and Utah were organized, the Constitution and laws of the United States were extended over these Territories. When the law for the organization of the Territories of Kansas and Nebraska was passed it contained provisions that the Constitution and all laws of the United States were to have the same force and effect in the Territories of Kansas and Nebraska as elsewhere within the United States, with certain exceptions. On February 28, 1861, the Territory of Colorado was organized and a provision was incorporated that the Constitution and laws of the United States should extend to that Territory. The Territory of Nevada was organized on March 2, 1861, and the organic act contained a provision which declared that the Constitution and laws of the United States should be in full force and effect in that Territory. From the organization of Dakota, on March 2, 1861, all Territorial acts, including those of Idaho, Montana, Wyoming, and Oklahoma, have contained provisions extending the Constitution and laws of the United States over each and every Territory. Similar laws have also been passed extending the Constitution and laws to the District of Columbia and the Indian Territory.

Following the precedents made by Congress during the past fifty years, if the Constitution can be extended to Territories, Congress certainly has the power to withhold it.

Whatever contention there may have been as to the necessity for extending the Constitution to newly acquired territory, the history of the United States shows that territory acquired by conquest or treaty remains foreign territory so far as customs duties are concerned until Congress extends the revenue laws of the United States over it. They have been extended in every instance where territory has been acquired, except the Hawaiian Islands, and until they have been so extended the ports in the newly acquired territory have been considered foreign ports.

Louisiana was acquired by cession on April 30, 1803. The customs laws were not extended to it until February 24, 1804. After its acquisition and occupation, by an order of Albert Gallatin, Secretary of the Treasury—and this order was sanctioned by Thomas Jefferson, the great father of Democracy, then President of the United States—the collector at New Orleans was directed to consider Baton Rouge and all other ports in Louisiana as foreign ports, and they were so treated until after the customs laws were extended over Louisiana.

Florida was ceded by the treaty of February 22, 1819. For more than two years, until March 3, 1821, when the revenue laws were extended over this Territory, its ports were treated as foreign ports, and duties were collected upon all goods imported from Florida into the United States.

On March 1, 1845, Congress passed a joint resolution "for annexing Texas to the United States." After the executive government of Texas, its congress, and its people at the polls had complied with all the terms and accepted all the conditions of this

joint resolution—after the annexation of Texas as a part of the public domain of the United States was an accomplished fact—by direction of President Polk, the Secretary of the Treasury, Robert J. Walker, instructed collectors and other customs officers that "until further action of the Congress" "you will collect duties as heretofore upon all imports from Texas into the United States." And this policy was pursued until the admission of Texas as a State.

Alaska was ceded by the treaty with Russia concluded June 20, 1867, but the customs laws were not extended over that district until July 27, 1868. In the interval its ports were treated as foreign ports.

Are these legislative precedents of a century entitled to any consideration here? Will they have any effect on the Supreme Court when it comes to decide whether or not the Constitution and our customs laws of their own force and vigor have gone into Puerto Rico and the Philippines? Permit me to call attention to a few decisions of the Supreme Court on this subject.

In the case of Lithographic Company *vs.* Sarony (111 U. S., 57), Justice Miller said:

> The construction placed upon the Constitution by the first act of 1790, and the act of 1862, by the men who were contemporary with its formation, many of whom were members of the convention that framed it, is of itself entitled to very great weight, and when it is remembered that the rights thus established have not been disputed during a period of nearly a century, it is almost conclusive.

In Field *vs.* Clark (143 U. S., 691) Justice Harlan said:

> The practical construction of the Constitution, as given by so many acts of Congress, and embracing almost the entire period of our national existence, should not be overruled, unless upon a conviction that such legislation was clearly incompatible with the supreme law of the land.

This is what the Supreme Court has said in regard to legislative precedents—in regard to the construction placed upon constitutional questions by Congress itself.

NO NEW POLICY PROPOSED.

The opposition says that this is the first time in the history of the country that we have ever had duties that were not uniform. I read what the gentleman from Tennessee [Mr. RICHARDSON], the leader of the minority, said in his speech the other day on this proposition:

> The opposition to this bill plants itself upon this ground. The measure is imperialism itself. In the former acquisitions to which I have referred no such measure as the pending one was ever proposed or deemed necessary. When the Louisiana territory was acquired, when Texas was annexed, when California and Arizona and New Mexico and other Territories were acquired, did any man rise in this House or the other body of this Congress and offer such a legislative proposition as the pending one? This effort, therefore, clearly marks the dividing line between all former acquisitions and that of Puerto Rico, if it be conceded that the enactment of the proposed bill into law is required.

I challenge the correctness of the statement that this is the first time we have ever had unequal taxation between the Territories and the United States, to which they belonged. The treaty with France in 1803 provided that for twelve years the produce and manufactures of France and her colonies and of Spain and her colonies, when carried in the ships of France or Spain, should be admitted into all the local ports of the ceded territory without paying a greater duty on merchandise than that paid by the citizens of the United States.

At the time this treaty was adopted, and for twelve years afterwards, there was a provision in the tariff laws of the United States that added 10 per cent additional to the rates on goods and merchandise that were imported into the United States in ships or vessels that were not of the United States. Under this provision a French ship laden with French goods or a Spanish ship laden with Spanish goods entering the port of New York or any other port of the United States would be required to pay 10 per cent higher duties than if the same goods in the same ships had entered the port of New Orleans or any other port in Louisiana.

It was urged by Representatives in Congress that this treaty was unconstitutional. Mr. Griswold, a Representative from Connecticut, said:

> Although I am unwilling to detain the committee at this late hour, and wish not to delay the wishes of the majority, yet I must be permitted again to refer the committee to the seventh article of the treaty. This article declares, that the ships of France and Spain, together with their cargoes, being the produce or manufacture of these countries, shall be admitted into the ports of the ceded territory on the same terms, in regard to duties, with American ships. It is certainly worth the consideration of the committee, whether this article is consistent with the provisions of the Constitution. As our laws now stand, the ships of France and Spain are liable to an extra tonnage duty, and their cargoes to a duty of 10 per cent advance, when arriving in the Atlantic ports.
>
> The treaty declares that, in the ports of the ceded territory, this extra duty of imposts and tonnage shall cease. The treaty does not, and probably can not, repeal the law, which lays this extra duty in the Atlantic States, but those duties must still be collected. The Constitution, however, declares, in the eighth section of the first article, that "all duties, imposts, and excises, shall be uniform throughout the United States," and in the ninth section of the same article, it is said that "no preference shall be given by any regulation of commerce, or revenue, to the ports of one State over those of another." By the treaty, however, the uniformity of duties is destroyed, and by this regulation of commerce, contained in the treaty, a preference is certainly given to the ports of the ceded territory over those of the other States.

Yet the father of the Democratic party, Thomas Jefferson, supported by his followers in Congress, in the face of this opposition, drove that treaty through the Senate and had it ratified and had an appropriation made to carry it into effect. This discrimination and lack of uniformity continued for twelve years and was so generally indorsed and admitted to be valid by the Government and the people that no case is reported in which an effort was made to challenge the constitutionality of the act.

A law enacted March 30, 1822, in relation to the commerce and navigation of Florida contained a similar provision.

DUTIES NOT UNIFORM NOW.

The Hawaiian Islands were annexed by joint resolution July 7, 1898. Although this resolution provides that these islands are "annexed as part of the territory of the United States and are subject to the sovereign dominion thereof;" yet our customs and revenue laws have never been extended to these islands. This annexation resolution provided:

> Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

Is Puerto Rico any more a "part of the United States" than the Hawaiian Islands? Is Congress under any more stringent restrictions of the Constitution when legislating for Puerto Rico than for the Hawaiian Islands? Do not the same limitations of the Constitution stay the hand of Congress when passing a joint resolution as when enacting a law? Yet here is a joint resolution passed by both Houses of Congress and approved by the President which does two things that have been very elaborately discussed in this debate.

In the first place, by the act of Congress it puts in force in the Hawaiian Islands, under the authority of the United States, a schedule of tariff duties that are not uniform with those of the Dingley law which are in force "throughout the United States." Since the Hawaiian Islands have been "a part of the United States" for almost two years, the products of all foreign nations have paid different duties when entering the ports of these islands than when entering the ports of the States of the Union.

Then, in the second place, the last Congress did, by this joint resolution, just what the Committee on Ways and Means proposes to do by the pending bill. It provided that certain products of the United States, when imported into certain insular possessions of the United States, should pay certain customs duties at the ports of those islands; and that when certain products of those islands are imported into the United States they shall pay certain customs duties at the ports of the United States.

We have abundant Democratic authority for the position we take. We have the authority of Jefferson, Jackson, Monroe, Benton, and Douglas. We have the authority of other leaders of the Democratic party long since dead and gone, and I am sorry that the present leaders of that party do not follow in the footsteps of their illustrious predecessors.

I call attention to a provision in the present treaty with Spain. It is Article IV:

> The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

The treaty was ratified.

Now, if the contention of the minority be correct, we can not do anything with the Philippine Islands but give them free trade. We can not have any tariffs between this country and the Philippines. The ships and merchandise of the United States going into the Philippine Islands must go there duty free. Then, under this article, Spanish ships and merchandise must be admitted there free for a period of ten years. Then, if we can not have any tariff against the Philippine Islands, after Spain gets her goods into those islands, she can bring them into this country free, and have free trade with the United States by way of the Philippine Islands.

Spain can not bring her ships or merchandise to the United States free. She is obliged to pay the same duty as other countries. She can secure free admission in the Philippine Islands. Is that uniformity of duties? Has not this treaty destroyed the uniformity of duties in this country and the Philippine Islands?

The gentleman from Tennessee [Mr. RICHARDSON], the leader of the minority, the gentleman from Nevada [Mr. NEWLANDS], and the gentleman from New York [Mr. MCCLELLAN], members of the Committee on Ways and Means making the minority report on this bill, voted for the $20,000,000 appropriation to carry out the terms of the treaty by which we acquired the Philippine Islands.

Mr. HOPKINS. And Mr. Bryan recommended the ratification of the treaty also.

Mr. LONG. Yes; the present leader of the Democratic party recommended that the treaty be ratified, and it was ratified.

Mr. HENRY of Connecticut. I should like to ask if the terms of the treaty did not extend still further under the favored nation clause?

Mr. LONG. I am coming to that.

THE OPEN DOOR.

When this treaty was being made the American commissioners made this proposition to the Spanish commissioners:

And it being the policy of the United States to maintain in the Philippines an open door to the world's commerce, the American commissioners are prepared to insert in the treaty now in contemplation a stipulation to the effect that, for a term of years, Spanish ships and merchandise shall be admitted into the ports of the Philippine Islands on the same terms as American ships and merchandise.

In response the Spanish commissioners asked this question of the American commissioners:

Is the offer made by the United States to Spain to establish for a certain number of years similar conditions in the ports of the archipelago for vessels and merchandise of both nations, an offer which is preceded by the assertion that the policy of the United States is to maintain an open door to the world's commerce, to be taken in the sense that the vessels and goods of other nations are to enjoy or can enjoy the same privilege which for a certain time is granted those of Spain, while the United States do not change such policy?

The American commissioners made this reply:

The declaration that the policy of the United States in the Philippines will be that of an open door to the world's commerce necessarily implies that the offer to place Spanish vessels and merchandise on the same footing as American is not intended to be exclusive. But the offer to give Spain that privilege for a term of years, is intended to secure it to her for a certain period by special treaty stipulation, whatever might be at any time the general policy of the United States.

What does the open door mean? Does it mean free trade? No. It means equality. It means that all nations are to be treated alike in the Philippines and their goods be admitted on the same terms as those of the United States. If the minority be right, under the treaty that its members helped to ratify, we have substantial free trade in the Philippine Islands with all the countries on earth. If our open-door policy is to be maintained and we can not have any tariffs between this country and the Philippines, then all the countries of the earth can come with their goods free into this country by way of the Philippine Islands.

You tell me that you represent the Administration on this question! You tell me that you are in accord with the President of the United States in his policy toward our insular possessions! His commissioners at Paris said months ago that we intended to have an open door in the Philippine Islands. But an open door did not mean free trade there; it meant that all nations should have the same right there that we have, and nothing more.

ANCIENT AND MODERN PROPHETS.

The most direful predictions are made by members of the minority if we retain the Philippines. The gentleman from Tennessee, the leader of the minority [Mr. RICHARDSON], in his speech the other day, said:

Sir, this is but the beginning of our troubles if we enter upon the policy of imperialism. The box of immeasurable evils fabled to have been presented to Pandora by Jupiter, from which, when opened, countless ills and diseases issued forth to afflict mankind, was as nothing as compared with the ills and diseases that will afflict us in our body politic when our policy of imperialism is developed.

Nearly a century ago, when the acquisition of Louisiana was under consideration, Senator White, of Delaware, made almost identically the same prophecy. He said:

But as to Louisiana—this new, immense, unbounded world—if it should ever be incorporated into this Union, which I have no idea can be done but by altering the Constitution, I believe it will be the greatest curse that could at present befall us; it will be productive of immense evils, and especially one that I fear even to look upon.

Gentlemen on all sides, with but few exceptions, agree that the settlement of this country will be highly injurious and dangerous to the United States. * * * We have already territory enough, and when I contemplate the evils that may arise to these States from this intended incorporation of Louisiana into the Union, I would rather see it given to France, to Spain, or to any other nation on earth, upon the mere condition that no citizen of the United States should ever settle within its limits, than to see the territory sold for $100,000,000 and we retain the sovereignty.

Thirteen States have been admitted from the Louisiana purchase, and 67 Representatives speak for the people of those States on this floor. The legislators of a century ago assumed responsibilities, and we see the results to-day of their wisdom and courage. At the first centennial of the acquisition of Louisiana, to be held in the metropolis of the Purchase, these States will show to the world the progress and advancement that they have made in a hundred years.

This nation is entering on a new era of commercial prosperity. We are looking to the East. We are endeavoring to secure the open door in China. If obtained, it means that this nation in the second century of its existence will be the power on the sea, as it now is on the land. [Applause.]

On the fate of this bill depends the future policy of the Administration in relation to our trade with the Philippines and the far East. The importance of the question can not be overestimated. Its relation to the progress and glory of our country can not be measured and its right decision by Congress and the courts will affect in an incalculable degree the welfare of our people and the future of the nation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I ask that the gentleman be allowed to conclude his remarks without limit as to time.

Mr. LONG. No. I am obliged to the gentleman from New York, but I have already had the indulgence of the House too long at this late hour. I only want to say to those on this side of the Chamber, who are the real supporters of the President of the United States, on whom he must depend for the carrying out of this policy, do not let us in this emergency prove unworthy of the trust that was reposed in us by the American people when they sent us here to legislate on these questions. [Prolonged applause on the Republican side.]

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 160. An act to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.

LATE CONSUL TO THE TRANSVAAL.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith a report from the Secretary of State, in response to the resolution of the House of Representatives of February 19, 1900, calling upon him to inform the House of Representatives—

1. If "Charles E. Macrum, as consul of the American Government, informed the State Department that his official mail had been opened and read by the British censor at Durban, and, if so, what steps, if any, have been taken in relation thereto; and

2. "What truth there is in the charge that a secret alliance exists between the Republic of the United States and the Empire of Great Britain."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *February 21, 1900.*

The message, with the accompanying documents, was ordered to be printed, and referred to the Committee on Foreign Affairs.

MEMBERS OF MEMORIAL ASSOCIATION OF DISTRICT OF COLUMBIA.

The SPEAKER announced the appointment as members of the Memorial Association of the District of Columbia—

For the term of three years, M. M. Parker and S. R. Franklin.

For the term of two years, vice Gardiner G. Hubbard, deceased, Charles J. Bell.

For the term of one year, vice A. T. Britton, deceased, George W. McLanahan.

And then, on motion of Mr. PAYNE, and under the order heretofore adopted, the House (at 5 o'clock and 5 minutes p. m.) adjourned until to-morrow at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting papers relating to adjusting the accounts of Maj. J. B. Bellinger—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chocolate Bayou, Texas—to the Committee on River and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of East Bayou, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Clear Creek, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of project for improving the harbor of refuge at Sandy Bay, Cape Ann, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Caney Creek, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Dickinson Bayou, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Highland Bayou, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oyster Creek, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bastrop Bayou, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of San Bernard River, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MONDELL, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 982) to apply a portion of the proceeds of the public lands to the endowment and support of the mining schools in the several States and Territories, for the purposes of extending similar aid in the development of the mining industries of the nation as already provided for the agricultural and mechanical arts, reported the same with amendment, accompanied by a report (No. 385); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1800) granting a pension to Hulda L. Maynard, reported the same with amendment, accompanied by a report (No. 386); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7799) to grant an increase of pension to Franklin M. Burdoin, reported the same with amendment, accompanied by a report (No. 387); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4089) granting a pension to Emily Burke, reported the same with amendment, accompanied by a report (No. 388); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3214) granting an increase of pension to J. S. Dukate, reported the same with amendment, accompanied by a report (No. 389); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2623) for the relief of Melville Oliphant, reported the same with amendment, accompanied by a report (No. 390); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4791) granting a pension to Catharine A. Schwunger, of Berks County, Pa., reported the same with amendment, accompanied by a report (No. 391); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7488) to pension John C. Ray, reported the same with amendment, accompanied by a report (No. 392); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 301) for the relief of James T. Donaldson, jr., reported the same with amendment, accompanied by a report (No. 393); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6486) to increase the pension of Orange F. Berdan, reported the same with amendment, accompanied by a report (No. 394); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4991) granting a pension to Maria V. Sperry, reported the same with amendment, accompanied by a report (No. 395); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3775) granting an increase of pension to Robert Boston, reported the same with amendment, accompanied by a report (No. 396); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5088) granting a pension to William G. Willoughby, reported the same with amendment, accompanied by a report (No. 397); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8045) granting a pension to Wilford Cooper, reported the same with amendment, accompanied by a report (No. 398); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5961) to authorize and direct the Secretary of the Interior to reissue the pension certificate of Charles A. Hausmann and increase the rate of his pension, reported the same with amendment, accompanied by a report (No. 399); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3821) granting a pension to Frances D. Best, widow of Lieut. Col. Joseph G. Best, reported the same with amendment, accompanied by a report (No. 400); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4180) granting an increase of pension to A. J. Pickett, reported the same with amendment, accompanied by a report (No. 401); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2076) granting an increase of pension to Horace N. Brackett, reported the same with amendment, accompanied by a report (No. 402); which said bill and report were referred to the Private Calendar.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7649) authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes, reported the same with amendment, accompanied by a report (No. 403); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4448) granting a pension to E. H. Clark; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 8775) relating to certain officers on the retired list of the Navy who served during the rebellion and the late war with Spain—to the Committee on Naval Affairs.

By Mr. PAYNE: A bill (H. R. 8776) authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps—to the Committee on Ways and Means.

By Mr. MULLER: A bill (H. R. 8777) to confer upon the supervisor of the harbor of New York further power to act in reference to interference with navigation, and to confer jurisdiction upon the United States courts to punish offenders thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. S. A. DAVENPORT (by request): A bill (H. R. 8778) to promote the efficiency of the clerical force of the Navy—to the Committee on Naval Affairs.

By Mr. PEREA: A bill (H. R. 8779) to establish a military post at Albuquerque, N. Mex.—to the Committee on Military Affairs.

By Mr. MUDD (by request): A bill (H. R. 8780) to incorporate the Washington Telephone Company and to permit it to install,

maintain, and operate a telephone plant and exchanges in the District of Columbia—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8781) to incorporate the Columbia Telephone Company—to the Committee on the District of Columbia.

By Mr. CUMMINGS: A bill (H. R. 8782) amending the acts creating the office and defining the duties of the supervisor of the harbor of New York, and to regulate towing within the limits of said harbor and adjacent waters—to the Committee on the Merchant Marine and Fisheries.

By Mr. LENTZ: A bill (H. R. 8783) to provide for the publication and distribution of maps of the United States to the public, private, and parochial schools in each Congressional district of the United States where recommended by the Representative or Delegate—to the Committee on Printing.

By Mr. MINOR: A bill (H. R. 8784) to promote the foreign commerce of the United States and to provide for the national defense—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAWLEY: A bill (H. R. 8807) to authorize the purchase of a steam launch for use in the customs collection district of Galveston, Tex.—to the Committee on Ways and Means.

By Mr. McCALL: A bill (H. R. 8808) to diminish the number of appraisers of merchandise at the ports of Philadelphia and Boston—to the Committee on Ways and Means.

By Mr. TONGUE: A resolution (H. Res. 158) relating to the painting of twenty ex-Speakers of the House of Representatives—to the Committee on Accounts.

By Mr. GREENE of Massachusetts: A resolution of the legislature of the State of Massachusetts relating to the improvement in Boston Harbor—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 8785) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list—to the Committee on Naval Affairs.

By Mr. CURTIS: A bill (H. R. 8786) for the relief of W. L. Offutt—to the Committee on Military Affairs.

Also, a bill (H. R. 8787) granting a pension to Flora A. Knight—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 8788) for the relief of William L. Ellsworth—to the Committee on Claims.

By Mr. CATCHINGS: A bill (H. R. 8789) for the relief of the estate of James Spiars, deceased, late of Mayersville, Issaquena County, Miss.—to the Committee on War Claims.

By Mr. S. A. DAVENPORT: A bill (H. R. 8790) for the relief of Henry Mulvin—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 8791) granting a pension to William H. Miller—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 8792) increasing the pension of William J. Overman—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 8793) to remove the charge of desertion now standing against Frank Donnelly—to the Committee on Military Affairs.

By Mr. LEVY: A bill (H. R. 8794) to place on the pension roll the name of Ellen H. Phillips—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 8795) granting a pension to Catharine Moore, of Macon, Mo.—to the Committee on Invalid Pensions.

By Mr. LENTZ: A bill (H. R. 8796) to correct the military record of John M. Hartman—to the Committee on Military Affairs.

Also, a bill (H. R. 8797) to pension Sarah E. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8798) to correct the military record of Charles H. Taylor—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 8799) granting an increase of pension to William Teek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8800) granting an increase of pension to Libbie Fries—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 8801) granting an increase of pension to W. H. H. MacDonald—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 8802) for the relief of Julius C. Kleonne, captain Company K, Seventeenth Indiana Volunteers—to the Committee on Military Affairs.

By Mr. WILSON of South Carolina: A bill (H. R. 8803) for the relief of estate of W. A. Hill, deceased—to the Committee on Claims.

Also, a bill (H. R. 8804) for the relief of James Edward Earle and others—to the Committee on War Claims.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 8805) to increase the pension of John H. Shingle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8806) for the relief of Emanuel Damsohn, Company F, Second Delaware Infantry—to the Committee on Military Affairs.

By Mr. FOSTER (by request): A bill (H. R. 8809) authorizing and requesting the Secretary of State to demand of the Government of Spain an indemnity of $100,000 for and on behalf of August E. Gans, of Chicago, Cook County, State of Illinois—to the Committee on Foreign Affairs.

By Mr. CAPRON: A resolution (H. Res. 159) to pay W. H. Mitchell for services as folder—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BUTLER: Petition of Local Union No. 207, Brotherhood of Carpenters and Joiners, of Chester, Pa., favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petition of the Union Labor League of Philadelphia, Pa., urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

By Mr. CURTIS: Resolution of the Commercial Club of Topeka, Kans., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Edith L. Metcalf and others, of Topeka, and Lizzie Herbert and others, of Hiawatha, Kans., post-office clerks, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Commercial Club of Topeka, Kans., favoring the passage of Senate bill No. 738, creating a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Commercial Club of Topeka, Kans., in favor of the appropriation of $25,000 in the Agricultural bill for good roads—to the Committee on Agriculture.

By Mr. GROUT: Resolutions of a meeting of fourth-class postmasters of Rutland County, Vt., praying for the passage of the Cummings bill, increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: Petition of Walter H. Morse and 6 other substitute letter carriers of Lawrence, Mass., favoring the passage of House bill No. 1051, to grade substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LEVY: Petition of the Consolidated Stock and Petroleum Exchange of New York, for a modification of the revenue law relating to the tax on sales of merchandise made at any exchange or board of trade—to the Committee on Ways and Means.

By Mr. PAYNE: Papers to accompany House bill No. 6524, to remove the charge of desertion from the record of Andrew Carney—to the Committee on Military Affairs.

Also, petitions of E. E. Titus and others and E. J. Hopkins and others, post-office clerks of Penn Yan and Cortland, N. Y., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petitions of H. D. Waters, of Cuyler, W. D. Henderson, of Macedon, N. Y., and other citizens, for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE: Petitions of 389 citizens of New York City, 683 citizens of Jersey City and vicinity, New Jersey, 99 citizens of the District of Columbia, 266 citizens of Clifton Forge, Va., and 133 citizens of Binghamton, N. Y., protesting against the crime of lynching and mob violence—to the Committee on the Judiciary.

By Mr. YOUNG of Pennsylvania: Petition of the select council of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill granting increase of pension to John H. Shingle—to the Committee on Invalid Pensions.

Also, resolutions of the Philadelphia Drug Exchange, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany House bill to correct the military record of Emanuel Damsohn, of Philadelphia—to the Committee on Military Affairs.

Also, petition of the Letter Carriers' Fraternal and Benevolent Union of Cincinnati, Ohio, favoring retirement of letter carriers after a specified number of years—to the Committee on the Post-Office and Post-Roads.